

RFP-PCC-0016**PART III - LIST OF DOCUMENTS, EXHIBITS, AND OTHER ATTACHMENTS****SECTION J - LIST OF ATTACHMENTS**

Attachment No.	Title	Page No.
J-1	Wage Determinations	2
J-2	Evaluation Techniques for Quality Assurance of Contractor Performance	3-4
J-3	Performance Requirements Summary Table (PRST)	5-9
J-4	Contractor Quality Control	10-11
J-5	Award Fee Determination Plan	12-14
J-6	Standards of Conduct	15-18
J-7	Scope and Coverage of a Limited Background Investigation (LBI)	19-21
J-8	Scope and Coverage of a Periodic Reinvestigation-Residence (PRIR)	22-23
J-9	Adjudication Standards for Resolving Limited Background Investigation (LBI) and Periodic Reinvestigation	24-30
J-10	Business Management Questionnaire	31-35
J-11	Subcontracting Plan	36-46
J-12	Question Submittal Form	47
J-13	Offeror's Intent to Propose	48
J-14	Required Government Space	49-50
J-15	Procedural Guidance Complying With National Environmental Policy Act Requirements	51-67
J-16	SENTRY Rules of Behavior	68
J-17	Federal Bureau of Investigation Criminal Justice Information Services Security Addendum	69-84
J-18	Qualifying Federal Offenses for Purposes of DNA Sample Collection	85-92
J-19	Information Systems Equipment	93-97
J-20	Procedures for Implementation of Walsh Act Civil Commitment of Sexually Dangerous Persons	98-107
J-21	Past Performance Questionnaire	108-116

Attachment J-1

WAGE DETERMINATIONS

The wage determinations shall be incorporated via amendment.

Attachment J-2

EVALUATION TECHNIQUES FOR QUALITY ASSURANCE OF CONTRACTOR PERFORMANCE

General: In accordance with the Inspection of Services--Fixed-Price clause, the Federal Bureau of Prisons (BOP) may choose to apply a program review inspection process to either assess the contractor's performance or determine the amount of payment or both. The following is a description of the program review process.

Program Review is a system for inspecting performance, testing the adequacy of the internal quality controls and assessing risks for all program and administrative areas of contract performance.

The review guidelines will be based on the contractor's Quality Control Program (QCP), Performance Work Statement (PWS), professional guidelines referenced by the PWS, applicable BOP policy and any other appropriate measure within the contract's scope of work.

Contract requirements will be divided into various disciplines, each of which has a number of vital functions. Successful performance in a vital function is essential to successful performance of the related discipline. Each discipline comprises a specific percentage of the overall contract requirement. Deductions will be based on these percentages applied to the overall monthly invoice.

The BOP may, consistent with the scope of contract performance requirements, unilaterally change the vital functions identified in the Performance Requirements Summary Table (PRST). A minimum of 30 calendar days before the beginning of each evaluation period, the Contracting Officer (CO) will notify the contractor of any changes. If the contractor is not provided with the notification, the existing vital functions will continue in effect for the next evaluation period unless the contractor agrees to accept the proposed changes.

The BOP reserves the right to develop and implement new inspection techniques and instructions at any time during contract performance without notice to the contractor.

Management Assessment: Subsequent to award, the CO will convene a meeting in which the BOP and the contractor will cooperatively assess the contractor's QCP and the BOP's Quality Assurance Plan

(QAP). The assessment process is intended to facilitate the identification of strategic issues important to the QAP and QCP and a mutual understanding of both by BOP and contractor staff.

Program Review Steps: Review steps will utilize the findings of the contractor's QCP reports submitted to the BOP and direct observations, interviews and analytical determinations.

Generally, program reviews will be of two types:

1. Systematic - These reviews will be scheduled inspections focusing on a specific discipline. Inspections may be performed by onsite BOP monitors or by other parties designated by the CO as representatives of the BOP.
2. Ad-Hoc - These reviews will be conducted as a result of special interests arising from routine monitoring of the contractor's QCP, an unusual occurrence pertaining to the contract or other BOP concerns. These reviews could utilize established program review steps or an entirely different inspection approach.

Program Review Findings: At the conclusion of each review, a report (Contract Facility Monitoring Report) will be written documenting any findings identified during the monitoring.

Contractor Progress Report: The contractor shall receive a Contractor Progress Report within 60 days of the end of the six-month evaluation period.

Attachment J-3

PERFORMANCE REQUIREMENTS SUMMARY TABLE (PRST)

The purpose of this attachment is to list each contract requirement and the vital functions essential to successful performance of each contract requirement, summarize the vital functions and specify the percentage of total contract value attributable to each contract requirement.

PERFORMANCE REQUIREMENTS SUMMARY TABLE

<u>CONTRACT REQUIREMENT:</u>	ADMINISTRATION (Quality Control)	10%
------------------------------	---	------------

Vital Function #1	The contractor's Quality Control Program serves to identify deficiencies in the quality of services throughout the entire scope of the contract and implements corrective action before the level of performance becomes deficient.
-------------------	---

<u>CONTRACT REQUIREMENT:</u>	CORRECTIONAL PROGRAMS (Unit/Case Management, Grievance Procedures)	10%
------------------------------	---	------------

Vital Function #2	Inmates are appropriately classified and managed commensurate with security and custody requirements to promote institution and public safety.
Vital Function #3	Staff evaluate the needs of inmates and manage their program participation.
Vital Function #4	Staff are accessible and communicate effectively with inmates to promote positive institutional adjustment.
Vital Function #5	A program for inmate grievances exists which provides for the expression and resolution of inmate problems.

CONTRACT REQUIREMENT: HEALTH SERVICES**15%**

Vital Function #14	Open access to health care is provided for all inmates in an environment that is safe and secure.
Vital Function #15	Quality health care is provided utilizing qualified personnel and resources in accordance with applicable standards.
Vital Function #16	Health information data is recorded accurately, legibly, in a timely manner and maintained in accordance with applicable BOP policy.
Vital Function #17	All inmates are screened for mental health, substance abuse and other behavioral problems and receive appropriate intervention, treatment and programs to promote a healthy, safe and secure environment.

CONTRACT REQUIREMENT: HUMAN RESOURCES**10%**

Vital Function #18	Adequate staffing levels are maintained.
Vital Function #19	Staff resources are properly administered and managed.
Vital Function #20	All resources are managed to ensure training requirements and needs are provided.

CONTRACT REQUIREMENT: INMATE SERVICES
(Commissary/Laundry/Telephone/Trust Fund)

15%

Vital Function #21	Inmates are provided the privilege of an inmate telephone system and obtaining merchandise through the operation of a commissary. Effective security measures are in place to prevent misuse of the telephone system.
Vital Function #22	Inmate funds and property are properly maintained and accounted for during incarceration.
Vital Function #23	Clothing, linens, toiletries and laundry services are provided to inmates.

(Education and Recreation Programs)

Vital Function #24	The needs of the inmate population are evaluated and General Education Development (GED), English as a Second Language (ESL) and recreational programs are provided. Programs are accessible for the inmate population and program availability is communicated.
--------------------	--

(Mail/Receiving and Discharge/Records)

Vital Function #25	The institution provides inmate mail services, which include timely processing and accountability of funds, special mail and general correspondence. Special care is given to the detection of contraband and prohibited acts.
Vital Function #26	Inmates are lawfully committed and processed in a safe and secure environment, with emphasis on the detection and elimination of contraband from their persons and property.
Vital Function #27	The appropriate execution, processing and verification of documents are performed to ensure the accurate and timely release of inmates.

(Religious Services)

Vital Function #28	Impartial religious leadership is provided through resources and programs to accommodate the free exercise of religion and diverse needs of inmates.
--------------------	--

<u>CONTRACT REQUIREMENT:</u>	SAFETY AND ENVIRONMENTAL HEALTH/ FACILITIES	5%
------------------------------	--	-----------

Vital Function #29	All facilities are safely operated and maintained in accordance with applicable laws, codes and regulations.
--------------------	--

Attachment J-4

CONTRACTOR QUALITY CONTROL

Contractor Quality Control: Quality performance and quality control are the responsibility of the contractor. In accordance with Federal Acquisition Regulation (FAR) 52.246-4, Inspection of Services--Fixed-Price, the contractor shall establish and maintain a complete Quality Control Program (QCP). This program shall:

1. be implemented upon receipt of the Notice to Proceed (NTP); and
2. identify deficiencies in the quality of services throughout the entire scope of the contract and implement corrective action before the level of performance becomes unsatisfactory.

A complete QCP addressing all areas of contract performance shall be submitted to the Contracting Officer/Contracting Officer's Representative (CO/COR) a minimum of 30 days prior to the anticipated NTP date and no later than 30 days prior to the start of each option period. If the QCP is changed during the life of the contract, the contractor must immediately provide an updated copy to the CO/COR.

The QCP shall include, at a minimum:

1. specific areas to be inspected on either a scheduled or unscheduled basis and the method and frequency of inspection;
2. position(s) or individual(s) responsible for the inspections;
3. compliance with the requirements of the Government's Quality Assurance Plan (QAP);
4. procedures for written and verbal communication with the Government regarding QCP findings; and
5. procedures for investigation of complaints by contractor and Government staff and feedback to the Government on the actions taken to resolve such complaints.

A file of all inspections, inspection results and any corrective action required shall be maintained by the contractor throughout the life of this contract. This file shall be the property of the Government and be made available to the Government upon request. The file shall be turned over to the CO within ten calendar days after completion or termination of the contract.

The parties to this contract agree the contractor shall be conclusively presumed to have actual knowledge of work not performed. Therefore, written notice by the Government shall not be a prerequisite for reducing payment or assessing liquidated damages for service(s) not performed.

Failure by the contractor to maintain quality control to ensure acceptable performance can result in adverse contract action to include termination for default.

Attachment J-5

AWARD FEE DETERMINATION PLAN

Introduction: The objective of this plan is to provide the guidelines for the award fee process. The contractor has an opportunity to earn an award fee commensurate with the achievement of performance above the acceptable level. Award fee evaluation periods will begin annually on April 1 and October 1.

During the base period and each succeeding option period, the contractor may earn a minimum award fee of zero dollars to a maximum award fee of five percent of the total payment received for the period rated (excluding reimbursable services). The balance of any unearned award fee for the evaluation period will not be carried over to any subsequent evaluation period.

Responsibilities: The Performance Evaluation Board (PEB) assesses performance information and makes recommendations to the Fee Determination Official (FDO).

The FDO determines the award fee earned and payable for each evaluation period. The contractor will receive written notification of the FDO's decision, ordinarily 60 days after the end of the evaluation period.

For payment of the award fee, the contractor shall submit a separate invoice with a copy of the FDO's determination.

Contractor Self-Assessment: Within five working days after the end of each evaluation period, the contractor shall provide a written self-assessment of performance, not to exceed 10 pages. The contractor may include any pertinent information it wishes to have considered during the evaluation period. The contractor is encouraged to discuss the implementation of any innovative approach or performance above and beyond contract requirements. The self-assessment shall be provided to the BOP electronically in WordPerfect format. In addition, one hard copy, signed and dated by the contractor, shall be forwarded to the Contracting Officer.

The self-assessment shall provide both program strengths and weaknesses of the contractor's performance during the evaluation period. The contractor shall identify areas of weakness which need to be addressed. Where weaknesses in performance are noted, the contractor shall describe the corrective actions taken or planned and any plan of action to avoid recurrence.

The PEB will consider the thoroughness and candor of the self-assessment as an indicator of: (1) the degree to which the contractor seeks out problems and solutions; and (2) the contractor's understanding of issues and concerns identified by the BOP.

A PEB representative may contact the contractor for discussion or clarification.

Evaluation: The PEB and FDO may consider performance information (including that which is measured against the Performance Requirements Summary Table), Contract Facility Monitoring reports, contractor self-assessment and any other relevant information.

Listed below are the factors essential for consideration of an award fee:

- Quality of Work - Results of quality assurance inspections and observations by Federal Bureau of Prisons (BOP) personnel.
- Contractor Responsiveness - Timeliness, cooperation, effectiveness and appropriateness of response to both routine and unusual institution events; timely response to BOP concerns; reaction to changing service requirements.
- Management of Quality Control Program - Effectiveness of Quality Control Program; self-initiated service improvements.

The following performance rating table does not convey the use of a mathematical formula to determine the amount of an award fee.

Rating	Performance Description	Award Fee Range
Superior	The program is performing all of its functions in an exceptional manner and has excellent internal quality controls. Deficiencies are limited in number and not serious in nature. Program performance exceeds expectations and demonstrates initiative and exceptional effort.	50% - 100%

Rating	Performance Description	Award Fee Range
Good	The program is performing all of its vital functions and there are few deficient procedures within any function. Internal quality controls are such that there are limited procedural deficiencies. Overall performance is above an acceptable level.	1% - 49%
Acceptable	This is the "baseline" for the rating system. The vital functions of the discipline are being adequately performed. Although numerous deficiencies may exist, they do not detract from the acceptable accomplishment of the vital functions. Internal quality controls are such that there are no performance breakdowns that would keep the program from continuing to accomplish its mission.	0%
Deficient	One or more vital functions of the program is not being performed at an acceptable level. Internal quality controls are weak, thus allowing for serious deficiencies in one or more program areas.	0%
At Risk	The program is impaired to the point it is not presently accomplishing its overall mission. Internal quality controls are not sufficient to reasonably assure acceptable performance can be expected in the future.	0%

Revisions: The BOP may unilaterally modify the contract to revise the Award Fee Determination Plan (AFDP). The BOP will provide written notice of the revision to the contractor 30 calendar days prior to the beginning of the next evaluation period. The revised AFDP will take effect at the beginning of the next evaluation period.

Attachment J-6

STANDARDS OF CONDUCT

The contractor's written policy, procedures and practice (hereinafter referred to as "Standards of Conduct") on employee conduct, ethics and responsibility shall include each of the standards listed in this section.

At a minimum, the contractor shall include in the Standards of Conduct the following:

- The contractor shall notify employees, subcontractors and volunteers of the Standards of Conduct and document this notification in their personnel files.
- Employees shall be required to sign an acknowledgment that they have received and understand the Standards of Conduct and shall cooperate fully by providing all pertinent information which they may have with any investigative authority. Full cooperation means and requires truthfully responding to all questions and providing a signed sworn affidavit if requested.
- Any employee who fails to cooperate fully or who hinders an investigation is subject to prohibition from working with federal offenders. The contractor shall also document this acknowledgment of the duty to cooperate in each employee's personnel file.
- Employees shall conduct themselves professionally and in a manner that creates and maintains respect for the contract facility, Bureau of Prisons (BOP), Department of Justice (DOJ) and the United States Government. This standard applies to on duty and off duty activities.
- Employees shall avoid any action that might result in or create the appearance of adversely affecting the confidence of the public in the integrity of the United States Government.
- Employees shall uphold the ethical rules governing their professions, including complying with applicable licensing authority rules unless they conflict with federal law.
- Employees shall not access official information unless there is both a clearly defined need to know and a right to know

such information in the performance of their official duties consistent with the scope of their employment.

- Employees shall not use or possess illegal drugs or narcotics and shall not abuse any drug or narcotics. Use of alcoholic beverages or being under the influence of alcohol while on duty, present in the facility or immediately before reporting for duty is prohibited. An employee while on duty or in the facility is considered to be under the influence of alcohol if their blood alcohol content is 0.02 percent or greater.
- Employees shall not engage in or allow another person to engage in sexual behavior with an offender. Regardless of whether force is used or threatened, there can be no consensual sex between employees and offenders.
- Employees shall not use profane, obscene or otherwise abusive language when communicating with offenders.
- Employees shall not show favoritism or give preferential treatment to one offender or a group of offenders over another.
- Employees shall not use brutality, physical violence or intimidation toward inmates or use any force beyond which is reasonably necessary to subdue an inmate.
- Employees shall not have any outside contact with an offender, ex-offender, offender's family or close associates for a period of one year from the last day of the offender's sentence or supervision, whichever is later, except those activities that are an approved integral part of a facility program and a part of the employee's job description. Employees will immediately report any such contact in writing to the Warden.
- Employees shall not offer or give to an offender or a former offender or any member of his or her family or to any person known to be associated with an offender or former offender any article, favor or service which is not authorized in the performance of the employee's duties. Employees shall not accept any gift, personal service or favor from an offender or former offender or from anyone known to be associated with or related to an offender or former offender. This prohibition includes becoming involved with families or associates of any offender.
- Employees shall not engage in any conduct criminal in nature

or which could bring discredit upon the facility, BOP, DOJ, or United States Government. Employees' conduct must be above reproach. It is expected employees shall obey not only the letter of the law but also the spirit of the law while engaged in personal or official activities.

- Employees shall not use physical violence, threats or intimidation toward fellow employees, family members of employees or visitors to the facility.
- To prevent conflicts of interest, the contractor shall have a written policy specifically stating no employee may use his or her official position working with federal offenders to secure privileges or advantages in the facility or community.
- Employees shall immediately report to the Warden or other appropriate authorities any violation or apparent violation of these standards. Violations may also be reported to the Office of Inspector General via a toll-free hotline (1-800-869-4499). This hotline is available to anyone wishing to report a DOJ employee's misconduct as well as fraud, waste or abuse in Government operations and programs.
- Employees shall immediately report to the Warden or other appropriate authorities any violation or attempted violation of any law or regulation and any act or omission by any person which could result in a breach of institution security. Violations may also be reported to the Office of Inspector General via a toll-free hotline (1-800-869-4499). This hotline is available to anyone wishing to report a DOJ employee's misconduct as well as fraud, waste or abuse in Government operations and programs.
- Employees shall be informed that the introduction of contraband into or upon the grounds of the facility or taking or attempting to take therefrom anything whatsoever without the Warden's knowledge and consent is prohibited.
- Employees shall not use their prison credentials, identification cards or badges to coerce, intimidate or deceive others to obtain any privilege not otherwise authorized in the performance of their duties.
- Supervisors are expected to provide fair and equitable oversight for subordinate staff and avoid relationships that may give the appearance of being partial or inappropriate. Examples of inappropriate supervisor/subordinate

relationships include but are not limited to:

- ▶ financial transactions
- ▶ romantic/intimate relationships or contacts
- ▶ requesting or providing personal favors
(running errands, etc.)

Attachment J-7

SCOPE AND COVERAGE OF A LIMITED BACKGROUND INVESTIGATION (LBI)

The Limited Background Investigation is the required background investigation for moderate risk positions at the noncritical sensitive level. It includes the National Agency Check (NAC), credit check, personal subject interview and coverage of at least the most recent 3 years of activity, including: employment, self employment, unemployment, references, education, residence and law enforcement agencies. Military service is covered up to the last 15 years through the NAC, and the highest education degree claimed is confirmed by inquiry regardless of time frame.

- Investigations do not extend back before a subject's 18th birthday except to ensure a minimum of 2 years coverage.
- Sources are developed through information provided by the subject and other sources.
- The background investigation report is not a verbatim transcript of interviews with the subject, sources or employers. It is a factual report of information compiled by the investigator with discrepancies from information provided by the subject duly noted. Issues and derogatory information are also noted.

Items are scheduled for coverage by various methods which may be shown as follows:

- P - Personal coverage** (includes record searches) (an investigator actually interviews subject or reviews documents)
- R - Record search only**
- I - Inquiry** (mail or electronic)
- T - Telephone**
- L - Linkage** (electronic-terminal or tape)

Basic coverage period for this type of case is 3 years, and it includes the following:

- **National Agency Check** consists of a check of Office of Personnel Management's (OPM) Security Investigation Index (SII) which is an index of investigations conducted by OPM and other federal investigative agencies, a check of FBI fingerprint files, a check of FBI investigative files and a check of the Department of Defense investigative index of

civilian and military personnel. It is checked by **inquiry, linkage** and **record search only**.

- **Credit Check** is covered by **linkage**, and the period covered is 3 years. All credit checks will be used for employment purposes only in accordance with 15 United States Code.
- **Personal Subject Interview** is scheduled at the current job location and is a one-on-one interview.
- **Education** is covered by **personal coverage** and **record search only** for the most recent year of basic coverage period and is covered by **inquiry** for years 2 to 3 (and highest degree).
- **Residence** is covered by **personal coverage** and **record search only** for the most recent year as of the scheduling date of the basic coverage period.
- **Employment**, including self-employment and unemployment, is covered by **personal coverage** and **record search only** for the 3 year basic coverage period as of the scheduling date.
- **Law Enforcement** is covered by **record search only** for locations within the basic coverage period and is scheduled **inquiry** or **record search only** for related issue information shown on the case papers.
- **Stateside Military Service** (over 6 months) is covered by **personal coverage** and **record search only** for the most recent year of the basic coverage period (15 years of coverage are provided in the NAC).
- **Court Records** are obtained for bankruptcies and financial delinquencies over \$1,000 or, if dollar amount unknown, within the basic coverage period.
- **Extra Coverage** is required when additional information is needed to help the agency determine a person's qualifications, suitability and security for a particular position.

Extra coverage is requested for law enforcement positions, which allows the investigator to ask the following questions:

- How does the person react/would react in an emergency situation?

- Does the person have the ability to operate under stress?
 - How is the person's stability, judgement, discretion and physical health?
 - How is the person's financial responsibility/ability to live within their means?
- Expanded law enforcement searches (including county and state criminal records where available).

Attachment J-8

SCOPE AND COVERAGE OF A PERIODIC REINVESTIGATION-RESIDENCE (PRIR)

The Periodic Reinvestigation is a reinvestigation conducted every 5 years. It includes the National Agency Check, personal subject interview, residence and selected records searches.

Items are scheduled for coverage by various methods as follows:

- P - Personal coverage** (includes record searches)
- R - Record search only**
- I - Inquiry** (mail or electronic)
- T - Telephone**
- L - Linkage** (electronic-terminal or tape)

Basic coverage period for this type of case is 5 years, and it includes the following:

- **National Agency Check** consists of a check of Office of Personnel Management's (OPM) Security Investigation Index (SII) which is an index of investigations conducted by OPM and other federal investigative agencies, a check of FBI fingerprint files, a check of FBI investigative files and a check of the Department of Defense investigative index of civilian and military personnel. It is checked by **inquiry, linkage and record search only**.
- **Credit Check** is covered by **linkage**, and the period covered is 7 years. All credit checks will be used for employment purposes only in accordance with the Fair Credit Reporting Act.
- **Personal Subject Interview** is scheduled at the current job location.
- **Education** is not scheduled.
- **Residence** is covered by **personal coverage and record search only** for the most recent 3 years of the basic coverage period.
- **Employment** is not scheduled.

- **Law Enforcement** is covered by **record search only** for locations within the basic coverage period and is scheduled **inquiry** or **record search only** for related issue information shown on the case papers.
- **Stateside Military Service** is not scheduled.

Attachment J-9

ADJUDICATION STANDARDS FOR RESOLVING LIMITED BACKGROUND INVESTIGATION (LBI) AND PERIODIC REINVESTIGATION

- A. INTRODUCTION: The review of background investigations and the resolution of derogatory information is an essential part of the process for determining whether an individual is eligible for government employment or access to national security information. (Any reference to "government employee" within this document includes persons working under contract.) These functions should be conducted, whenever possible, by designated security personnel outside of the employee's supervisory chain. The supervisor's knowledge of derogatory information may affect the supervisor's objectivity regarding performance appraisal, promotions, etc., of the employee.
- B. PURPOSE: The purpose of this document is to assist those individuals who initially review background investigations for employment and for those individuals who conduct subject interviews for the purpose of resolving and documenting derogatory information. Derogatory information appears in a background investigation in a number of ways. Some information is derogatory information on its face and is both easily recognized and identified. There is other information that standing alone is somewhat innocuous. When this information is reviewed in the context of other information, it may also require resolution.
- C. PRINCIPALS: All derogatory information be favorably resolved by the contractor before the BOP will consider granting final approval for employees to work with federal offenders under this contract. The resolution will require the adjudicator to identify the information, explain why it is considered insignificant or provide documented resolution. It is not sufficient to resolve derogatory information by merely indicating the subject exhibits acceptable job performance.

Adjudication of background investigations or reinvestigations that reveal activity or conduct that may render a person susceptible to coercion will be subject to the following guidelines:

1. If the background investigation or reinvestigation

demonstrates the applicant/employee is open regarding his or her conduct, no personal interview or other action is warranted.

2. If the background investigation or reinvestigation indicates or raises an unresolved question as to whether the person is concealing any conduct that reasonably would subject the person to coercion, the contractor will arrange for an interview with the employee to discuss:
 - a. The issue of concealed conduct raised during the background investigation or reinvestigation and whether or not the person is, in fact, concealing any conduct that reasonably would subject the person to coercion. If the discussion demonstrates the person is not concealing any such conduct, no further action is warranted.
 - b. If the person may be concealing conduct that reasonably would subject the person to coercion, the interviewer will continue to discuss:
 - 1) The contractor's concern regarding the potential for coercion, pressure, manipulation or blackmail;
 - 2) The contractor's Employee Standards of Conduct requirement that the employee immediately submit a written report of any attempt at coercion or blackmail to the Chief Executive Officer.

The interviewer should prepare a memorandum documenting the discussion and the employee's acknowledgment of the reporting requirements and submit it with the employee's personnel file. The employee is not required to sign any documentation.

Resolution of derogatory information should afford the subject an opportunity to comment on the derogatory information or a chance to offer his/her "side of the story." Resolution of derogatory information is a critical part of the adjudication process for several reasons. Information which appears derogatory can be refuted or mitigated in some instances by the subject of the background investigation. Similarly, the subject may be able to present circumstances which clarify the derogatory

information.

Executive Order (E.O.) 10450, entitled "Security Requirements For Government Employment," establishes as the criteria for government employment that individuals must be "reliable, trustworthy, of good conduct and character and of complete and unswerving loyalty to the United States."

Derogatory information is any information that, in the opinion of a reasonably objective person, tends to indicate an individual may not be possessed of one or more of these qualities.

D. DEROGATORY INFORMATION: Listed below are general areas of concern for adjudicators:

1. Loyalty. Any information which indicates the subject is not loyal should be identified as derogatory. Any background investigation which presents information which questions an employee's loyalty to the United States must be brought to the attention of the Bureau of Prisons (BOP). If an applicant is found to be unsuitable for employment, the BOP does not need to be advised.

If, however, it is decided the applicant is otherwise suitable for employment, the loyalty issue must be brought to the attention of the BOP prior to hiring the individual.

Several examples which should bring into question an individual's loyalty are:

- a. Advocating force or violence to overthrow the government of the United States;
 - b. Establishing contact with a seditionist, anarchist or with any representative of a foreign government whose interests may be contrary to the interests of the United States; or
 - c. Membership in organizations which systematically commit criminal acts against the government of the United States.
2. Close Relatives and Associates. In reviewing a background investigation, attention should be given to evidence the subject of the investigation has close

relatives or associates residing outside of the United States or who are citizens of a foreign country, especially hostile countries. Any information which tends to show the individual may be subjected to coercion or pressure should be identified as derogatory information and resolved, including frequent and/or prolonged foreign travel. In resolving information regarding close relatives or associates, it is important to understand the nature of the relationship and the frequency of contact between the subject and the relatives or associates. Therefore, the following information should be obtained from all applicants/employees where evidence of foreign relatives or associates is identified in the background investigation case papers or the actual background investigation:

- a. Name and address of the foreign citizen (i.e., aunt, uncle, cousin, close friend, etc.);
 - b. Relationship between subject and foreign citizen (i.e., aunt, uncle, cousin, close friend, etc.);
 - c. The frequency of contact (past, present and future) with the foreign citizen; or
 - d. The form of such contact (personal visits, letters, cards or telephone calls).
3. Undesirable Character Traits. Any trait(s) which may show the individual to be unreliable, untrustworthy or open to compromise is significant in the adjudication of the case. This information may be given by an open or confidential source, derived from an arrest record or indicated by the falsification of employment applications or personal history statements. All such information must be viewed in relation to the rest of the file.

Isolated incidents in a person's background are viewed less significantly than a continuing or emerging pattern of behavior.

The adjudicator should try to obtain a complete picture for employment purposes. Undesirable character traits could also place an individual in a compromising situation where coercion or pressure might be used to blackmail an applicant/employee. The following examples are provided:

- a. Sexual Conduct: Sexual conduct and behavior

become important to the adjudication of a background investigation when there is evidence the individual could be coerced or blackmailed due to sexual conduct. Should it be determined an applicant/employee could be subjected to coercion because of sexual conduct, this information must be addressed and resolved. If sexual conduct becomes germane, homosexual and heterosexual conduct will be treated the same.

- b. Alcoholism: Any information which tends to show the individual uses alcohol to excess or any information that shows alcohol use affecting job performance should be identified as derogatory information. Look for a pattern of behavior vs. an isolated incident.

- 4. Mental Disorders/Treatment. Medical treatment for a mental condition, as distinguished from marriage counseling and social services counseling for family problems, is significant and must be clarified to determine whether the subject's job performance may be adversely affected. The purpose of identifying this kind of information is to remove any reasonable doubt regarding the current seriousness of a problem. Temporary depression related to the death of a loved one or the failure of a marriage is to be expected, whereas long term depression would cause considerably greater concern.

Medical treatment for a mental/emotional disorder must be accompanied by a recommendation from a competent medical authority that the employee is capable to perform the duties of a sensitive position.

- 5. Financial Responsibility. Indebtedness becomes a legitimate concern when an individual begins to fall behind on credit card payments, alimony, child support, rent, car loans, etc.

Some debts are clearly not the responsibility of an individual and may be the result of careless record keeping by credit reporting agencies.

Refusal to admit to a just debt is not enough to resolve an unfavorable credit record. A derogatory credit report must be resolved by the individual and appropriate documentation provided. Any disputes

between the employee and the credit agency must be resolved by the subject and documentation submitted.

Similarly, the repossession of an automobile for non-payment and eviction from rental housing for non-payment should be explained by the employee and documentation provided to show any remaining indebtedness following the eviction or repossession has been resolved.

6. Dishonesty. Individuals entering service under this contract must be "....trustworthy...and of good conduct and character..." This requires employees are honest when filling out all employment documents.

Discrepancies on these forms may be an indication the applicant/employee has falsified one of the forms to either conceal past behavior or to exaggerate or misrepresent qualifications or suitability. In either case, all discrepancies must be resolved.

7. Arrests. An arrest, regardless of the offense or when it was committed, is derogatory information and should be so stated. The nature and severity of the offense and when it was committed will have a bearing on the adjudication. Generally, the more recent the offense the greater impact it will have on the adjudication. An arrest that resulted in a conviction and fine/imprisonment must be accompanied by sufficient evidence the applicant/employee has been rehabilitated.
8. Drug Usage. Evidence of the illegal use of prescription or nonprescription drugs by an employee requires resolution. In resolving drug related derogatory information, the offense must be viewed against the age of the applicant/employee and when the offense occurred. In addition, information should be obtained and consideration given regarding what drug(s) were used, how often and any treatment the employee received for drug usage.
9. Confidential Source Information. Background investigations will sometimes contain information provided by sources who request confidentiality under the Privacy Act. It is not permissible, in most cases, to include this information in the resolution of derogatory information because of the risk of identifying the source. Only information that is

otherwise substantiated elsewhere in the investigation or pre-employment documents and from unprotected sources can be used.

10. Classified Information. Similarly, national security information classified at the "Confidential," "Secret," and "Top Secret" levels sometimes appears in background investigations. Background investigations containing such information shall be handled appropriately by the contractor.

- E. PROCEDURES TO RESOLVE DEROGATORY INFORMATION: Once derogatory information has been identified, either during the pre-employment process or in the review of the background investigation, it must be resolved. Resolution usually is presented in the form of written documentation obtained through an interview with the employee.

Derogatory information revealed in the pre-employment screening process that falls within the Guidelines of Acceptability or for which a waiver was obtained does not have to be formally addressed in adjudicating the investigation. The adjudicator should make note the information was considered during the pre-employment screening and is within the Guidelines or a waiver was obtained. Waivers should be submitted with the investigation.

Attachment J-10

BUSINESS MANAGEMENT QUESTIONNAIRE

Purpose:

The policy of the Federal Bureau of Prisons in acquiring services is to encourage firms lawfully engaged in the practice of performing Government required services to submit a statement of qualifications and performance data.

This questionnaire should only be submitted by a related services organization when requested to do so by the specific provisions of a solicitation, requested by the Contracting Officer, or public announcement.

This questionnaire may be used as a basis for selecting firms for discussions, or screening organizations preliminary to inviting submission of additional information.

Definitions:

- (a) "Principals" are those individuals in a firm who possess legal responsibility for its management. They may be officers, directors, owners, partners, and persons having primary management or supervisory responsibilities within a business entity (e.g., general manager, plant manager, head of a subsidiary, division or business segment, and similar positions).
- (b) "Parent Company" is that firm, company, corporation, association, or conglomerate which is the major stockholder or highest tier owner of the firm completing the questionnaire; (i.e. Firm A is owned by Firm B which is, in turn, a subsidiary of Corporation C. The "parent company" is Corporation C).
- (c) "Joint Venture" is a collaborative undertaking by two or more firms or individuals for which the participants are both jointly and individually responsible.
- (d) "Consultant" as used in this questionnaire, is a highly specialized individual or firm having significant input and responsibility for certain aspects of a project and possessing unusual or unique capabilities for assuring success of the finished work.

- (e) "Specialists and Individual Consultants" as used in this questionnaire, refer to individuals who have major project responsibility, or will provide unusual or unique capabilities for the services under consideration.

**FEDERAL BUREAU OF PRISONS SERVICE CONTRACT
BUSINESS MANAGEMENT QUESTIONNAIRE**

1. Organization Name:

2. Under what other or former names has your organization operated?

3. If your organization is a corporation, provide the following:
 - (i) Date of incorporation: _____
 - (ii) State of incorporation: _____
 - (iii) Identify President (CEO), Vice President, Treasurer and Secretary (include Date of Birth, Place of Birth, Social Security Number, Race and Gender):

4. If your organization is a partnership, provide the following:
 - (i) Date of organization: _____
 - (ii) Type of partnership (if applicable): _____
 - (iii) Name(s) of general partner(s) (include Date of Birth, Place of Birth, Social Security Number, Race and Gender):

5. If your organization is individually owned, provide the following:
 - (i) Date of organization: _____
 - (ii) Name of owner (include Date of Birth, Place of Birth, Social Security Number, Race and Gender):

- (iii) If the form of your organization is other than that listed above, describe it and the name of the principals (include Date of Birth, Place of Birth, Social Security Number, Race and Gender):

6. **LICENSING.** (Attach additional pages as necessary.)

- a. List jurisdiction and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable.
- b. List jurisdictions in which your organization's or trade name is filed.

7. **FINANCIAL DATA.** (Attach additional pages as necessary.)

- a. Trade References.
- b. Bank References.

8. **PROOF OF FINANCING**

- a. Attach a financial statement, preferably audited, including your organization's latest balance sheet, cash flow statement, and income statement providing at a minimum the following items:
 - Current Assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses);
 - Net fixed Assets;
 - Other Assets;
 - Current liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes);
 - Other liabilities (e.g., capital, capital stock, authorized and outstanding shares per values, earned surplus and retained earnings).

- b. Name and address of firm preparing attached financial statement, and date:
- c. Is the attached financial statement for the identical organization named on page one? If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent-subsidary).

9. **SIGNATURE**

18 U.S.C. 1001, False Statements Act provides:

Whoever, in any matter within the jurisdiction of any department of agency of the United States knowingly and willingly falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation, or makes or uses any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Dated _____ this _____ day of 20__

Name of Organization _____

By: _____

Title: _____

M_____ being duly sworn deposes and says that the information herein is true and sufficiently complete so as not to be misleading.

Subscribed and sworn before me this _____ day of 20__

Notary Public:

My Commission Expires:

Attachment J-11

SUBCONTRACTING PLAN

*Note: A fillable PDF version of the subcontracting plan is available upon request from the Contracting Officer.

For small, small-disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small businesses

The Federal Acquisition Regulation (FAR) Subpart 19.7, the Small Business Subcontracting Program, requires Other Than Small Business concerns, who are the apparent successful offerors, to submit an acceptable subcontracting plan that identifies the total planned dollars and percentage of the acquisition to be subcontracted to small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. This subcontracting plan complies with Public Law 95-507, and the Department of Justice Procurement Guidance Document (PGD) 05-10 dated November 9, 2005.

The Bureau of Prisons (BOP) subcontracting goals are:

- 43.0% - Small Business
- 6% - Small Disadvantaged Business
- 5.5% - Women-Owned Small Business
- 3% - HUBZone Small Business
- 3% - Service-Disabled Veteran-Owned & Veteran-Owned Small Businesses

If assistance is needed to locate small business sources, contact the BOP Small Business Program, Acquisitions Management Section, at (202) 307-0985.

Offeror/Contractor Identification Data

Company Name: _____

Address: _____

Date Prepared: _____

Solicitation Number: _____

Item/Service (Use this space to provide a general description and 'Table A' for specific details):

Place of Performance: _____

Total Contract Value: _____

1. TYPE OF PLAN: (Check only one)

INDIVIDUAL CONTRACT PLAN: This type of plan covers the entire contract period (including option periods), applies to a specific contract, and has goals that are based on the offeror's planned subcontracting in support of the specific contract, except that indirect costs incurred for common or joint purposes may be allocated on a prorated basis to the contract.

MASTER PLAN: This plan contains all the required elements of an individual plan, except goals, and may be incorporated into individual contract plans, provided the master plan has been approved.

COMMERCIAL PLAN: This type of plan (including goals) covers the offeror's fiscal year and applies to the entire production of commercial items sold by either the entire company or a portion of the company (e.g. division, plant or product line).

2. GOALS:

FAR 19.704 (a)(1) and (2) requires percentage goals and total dollars planned to be subcontracted to small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, and service-disabled veteran-owned small business concerns, as subcontractors for the base period and (if applicable) each option period.

A. Total estimated value of all planned subcontracting for each performance period, both in dollars and percentages for small and other than small business concerns, based on the overall aggregated value of the acquisition is:

\$ _____

	Total Small Business		+	Other Than Small Business		= 100%
Base Period	\$ _____	% _____		\$ _____	% _____	\$ _____
1 st Option Period	\$ _____	% _____		\$ _____	% _____	\$ _____
2 nd Option Period	\$ _____	% _____		\$ _____	% _____	\$ _____
3 rd Option Period	\$ _____	% _____		\$ _____	% _____	\$ _____

(Total Small Business figures include amounts in B, C, D, E, and F, below.)

B. Estimated value of planned subcontracting to **small business** concerns for each performance period, both in dollars and percentages is:

<u>Base Period</u>	\$ _____	_____ %
<u>1st Option Period</u>	\$ _____	_____ %
<u>2nd Option Period</u>	\$ _____	_____ %
<u>3rd Option Period</u>	\$ _____	_____ %

C. Estimated value of planned subcontracting to **small disadvantaged business** concerns for each performance period, both in dollars and percentages is:

<u>Base Period</u>	\$ _____	_____ %
<u>1st Option Period</u>	\$ _____	_____ %
<u>2nd Option Period</u>	\$ _____	_____ %
<u>3rd Option Period</u>	\$ _____	_____ %

D. Estimated value of planned subcontracting to **women-owned small business** concerns for each performance period, both in dollars and percentages is:

<u>Base Period</u>	\$ _____	_____ %
<u>1st Option Period</u>	\$ _____	_____ %
<u>2nd Option Period</u>	\$ _____	_____ %
<u>3rd Option Period</u>	\$ _____	_____ %

E. Estimated value of planned subcontracting to qualified **HUBZone small business** concerns for each performance period, both in dollars and percentages is:

<u>Base Period</u>	\$ _____	_____ %
<u>1st Option Period</u>	\$ _____	_____ %
<u>2nd Option Period</u>	\$ _____	_____ %
<u>3rd Option Period</u>	\$ _____	_____ %

F. Estimated value of planned subcontracting to qualified **service-disabled veteran-owned AND veteran-owned small business** concerns for each performance period, both in dollars and percentages is:

<u>Base Period</u>	\$ _____	_____ %
<u>1st Option Period</u>	\$ _____	_____ %
<u>2nd Option Period</u>	\$ _____	_____ %
<u>3rd Option Period</u>	\$ _____	_____ %

Note: If any contract has more than four performance periods, please attach additional sheets showing dollar amounts and percentages.

G. List the products and/or services to be subcontracted under this contract, and the Contract Line Item Number (CLIN) in Table A. Then indicate with a checkmark the type(s) of Business Size or Category supplying those products and/or services.

Table A

Business Size or Category

Subcontracted Product/Service	CLIN	Other Than Small Business	Small Business	Small Disadvantaged Business	Women Owned Small Business	HUBZone Small Business	Service-Disabled Veteran-Owned & Veteran-Owned Small Business

H. Explain the methods used to develop the subcontracting goals. Explain how the product and service CLINS to be subcontracted were established; how the areas to be subcontracted were determined; and how the capabilities were determined for small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns.

I. Indirect and overhead costs___ HAVE BEEN ___HAVE NOT BEEN included in the dollar and percentage subcontracting goals stated above. (Check one)

J. If indirect and overhead costs HAVE BEEN included, explain the method used to determine the proportionate share of such costs to be allocated as subcontracts to small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns.

3. PROGRAM ADMINISTRATOR:

FAR 19.704(a)(7) requires information about the company employee who will administer the subcontracting program. Please provide the name, title, address, phone number, position within the corporate structure, and a description of the duties of that employee.

Name: _____

Title: _____

Address: _____

Telephone: _____

Position: _____

Duties: The individual specific duties related to the company's subcontracting program are as follows:

- A. Developing and promoting company/division policy statements that demonstrate the company's/division's support for awarding contracts and subcontracts to small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns.
- B. Developing and maintaining a bidders list of small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns from all possible sources.
- C. Ensuring periodic rotation of potential subcontractors on bidders lists.
- D. Assuring that small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns are included on the bidders list for every subcontract solicitation for products and services they are capable of providing.
- E. Ensuring that subcontract procurement "packages" are designed to permit the maximum possible participation of small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business.
- F. Reviewing subcontract solicitations to remove statements, clauses, etc., which might tend to restrict or prohibit small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business participation.
- G. Ensuring that the subcontract bid proposal review board documents its reasons for not selecting any low bids submitted by small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns.
- H. Overseeing the establishment and maintenance of contract and subcontract award records.
- I. Attending or arranging for the attendance of company counselors at Business Opportunity Workshops, Minority Business Enterprise Seminars, Trade Fairs, etc.
- J. Directly or indirectly counseling small, small

disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns on subcontracting opportunities and how to prepare responsive bids to the company.

- K. Providing notice to subcontractors concerning penalties for misrepresentations of business status as small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns for the purpose of obtaining a subcontract that is to be included as part or all of a goal contained in the contractor's subcontracting plan.
- L. Conducting or arranging training for purchasing personnel regarding the intent and impact of Public Law 95-907 on purchasing procedures.
- M. Developing and maintaining an incentive program for buyers which supports the subcontracting program.
- N. Monitoring the company's performance and making any adjustments necessary to achieve the subcontract plan goals.
- O. Preparing and submitting timely reports.
- P. Coordinating the company's activities during compliance reviews by Federal agencies.

4. EQUITABLE OPPORTUNITY

FAR 19.704(a)(8) requires a description of the efforts your company will make to ensure that small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns will have an equitable opportunity to compete for subcontracts. The following efforts must be considered:

- A. Outreach efforts to obtain sources:
 - Contacting minority and small business trade associations;
 - Contacting business development organizations;
 - Attending small and minority business procurement conferences and trade fairs; and
 - Requesting sources from the Central Contractor Registration - *Dynamic Small Business Search*.
- B. Internal efforts to guide and encourage purchasing

personnel:

- Presenting workshops, seminars and training programs;
- Establishing, maintaining and using small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business source lists, guides and other data for soliciting subcontracts; and
- Monitoring activities to evaluate compliance with the subcontracting plan.

C. Additional efforts: (Please describe)

5. CLAUSE INCLUSION AND FLOW DOWN

FAR 19.704 (a)(9) requires that your company include FAR 52.219-8, "Utilization of Small Business Concerns" in all subcontracts that offer further subcontracting opportunities. Your company must require all subcontractors, except small business concerns, that receive subcontracts in excess of \$550,000 (\$1,000,000 for construction) to adopt and comply with a plan similar to the plan required by FAR 52.219-9, "Small Business Subcontracting Plan."

Your company agrees that the clause will be included and that the plans will be reviewed against the minimum requirements for such plans. The acceptability of percentage goals for small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns must be determined on a case-by-case basis depending on the supplies and services involved, the availability of potential small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business subcontractors and prior experience. Once the plans are negotiated, approved, and implemented, the plans must be monitored through the submission of periodic, Individual Subcontracting Report (ISR) and Summary Subcontracting Report (SSR) entered in the Electronic Subcontracting Reporting System (eSRS) website at www.esrs.gov.

6. REPORTING AND COOPERATION

FAR 19.704 (a)(10) requires that your company (1) cooperate in any studies or surveys as may be required, and (2) submit

periodic reports which show compliance with the subcontracting plan. This reporting is defined in the memo dated December 1, 2005, from the BOP Procurement Executive:

"eSRS requires contractors to electronically submit their Subcontracting Reports for Individual Contracts (formerly the SF-294) and the Summary Subcontract Reports (formerly the SF-295) information directly to the government-wide database." Below are the required dates for reporting this information to the government-wide database, <http://www.esrs.gov/>.

Individual Subcontracting Reports (ISR) shall be submitted semi-annually, 30 days after the close of each reporting period (March 31 and September 30, respectively).

Summary Subcontracting Report (SSR) shall be submitted annually, 30 days after the close of the fiscal year (September 30), or contract completion.

7. RECORD KEEPING

FAR 19.704 (a) (11) requires a description of the types of records your company will maintain to demonstrate the procedures adopted to comply with the requirements and goals in the subcontracting plan. The company agrees to maintain the following type of records:

A. Small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns source lists, guides, and other data identifying such vendors;

B. Organizations contacted for small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business sources;

C. On a contract-by-contract basis, records on all subcontract solicitations resulting in awards of \$100,000 are more indicating for each solicitation (1) whether small business concerns were solicited, and if not, why; (2) whether small disadvantaged business concerns were solicited, and if not, why; (3) whether women-owned small business concerns were solicited, and if not, why; (4) whether HUBZone small business concerns were solicited, and if not, why; (5) whether veteran-owned small business concerns were solicited, and if not, why; (6) whether veteran-owned service-disabled small business concerns were solicited, and if not, why; and (7) if applicable, the reason award was not made to a small business concern.

D. Records to support other outreach efforts, e.g., contacts with minority and small business trade associations, attendance at small and minority business procurement conference and trade fairs;

E. Records to support internal activities to (1) guide and encourage purchasing personnel, e.g., workshops, seminars, training programs, incentive awards, and (2) monitor activities to evaluate compliance;

F. On a contract-by-contract basis, records to support subcontract award data including the name, address, business size, and ownership status of each subcontractor. (This is not required for commercial item/service subcontracting plans); and

G. Other records to support your compliance with the subcontracting plan: (Please describe)

8. TIMELY PAYMENTS TO SUBCONTRACTORS

FAR 19.702 requires companies to establish and use procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns. The company agrees to establish and use such procedures.

9. DESCRIPTION OF GOOD FAITH EFFORT

Maximum practicable utilization of small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns as subcontractors in Government contracts is a matter of national interest with both social and economic benefits. When a contractor fails to make a good faith effort to comply with a subcontracting plan these objectives are not achieved, and 15 U. S. C. 637 (d) (4) (F) directs that liquidated damages shall be paid by the contractor.

In order to demonstrate your compliance with a good faith effort to achieve the small, small disadvantaged, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business subcontracting goals, outline the steps your company plans to take. These steps will be negotiated with the Contracting Officer prior to approval of the plan.

10. SIGNATURES REQUIRED

This subcontracting plan **SUBMITTED** by:

Contractor's

Signature: _____

Typed Name: _____

Title: _____

Date: _____

=====

This subcontracting plan **REVIEWED** by:

Signature: _____

Typed Name: _____

Title: Small Business Representative

Date: _____

=====

This subcontracting plan **APPROVED** by:

Signature: _____

Typed Name: _____

Title: Contracting Officer

Date: _____

Attachment J-12

QUESTION SUBMITTAL FORM

Please utilize this form when submitting questions. Please cite the section, page, and line number which pertains to your question. All questions must be submitted no later than March 27, 2009. Any of the following methods may be used:

Mail to: Amanda J. Pennel
Privatized Corrections Contracting
Federal Bureau of Prisons
320 First St., NW, Rm. 5006
Washington, DC 20534

Fax to: Amanda J. Pennel
Privatized Corrections Contracting
Federal Bureau of Prisons
(202) 616-6224 (Fax only)

Email to: Apennel@bop.gov

My Question is in Reference to:

SECTION _____, **PAGE** _____

Attachment J-13

OFFEROR'S INTENT TO PROPOSE

Solicitation Number: RFP-PCC-0016

We _____ intend to
submit a proposal for _____ number of beds at the following
location _____.

Authorized Signature: _____

Printed Name: _____

Title: _____

Date: _____

Name, Address and Telephone Number of Firm or Organization:

Note: Unless otherwise stated in the solicitation, no other material should be returned if you do not intend to submit a proposal. This notification must be returned by April 6, 2009.

Mail to: Federal Bureau of Prisons
Attn: Amanda J. Pennel
Privatized Corrections Contracting
320 First Street, NW, Rm. 5006
Washington, DC 20534
(202) 616-1647

Fax to: (202) 616-6224
Attn: Amanda J. Pennel

Attachment J-14

REQUIRED GOVERNMENT SPACE

Bureau of Prisons (BOP) - Approximately 2,500 Square Feet:

Primary Space

2 offices @ approximately 200 square feet each
3-4 offices @ approximately 150 square feet each
Conference room @ approximately 300 square feet

Support Space

Copier/Communication room
File room @ approximately 200 square feet
Break room @ approximately 150-200 square feet
Restrooms (located within BOP designated area)

The designated space for BOP shall be: secure administrative office space, located within close proximity to the administrative office space for the contractor's staff and able to be secured from the remaining area of the institution. The conference room will require a minimum of four communication/computer lines, three phone lines and a Local Area Network (LAN) port capable of fixed speed and duplex configuration for BOP supplied video conferencing equipment. The copier/communication room will also require a fax line and phone line.

Additional Requirements:

All Government space shall be climate controlled and complete with appropriate electrical, communication and phone connections. The contractor shall be responsible for all maintenance, security and costs associated with space designated for Government staff.

The Government will require ten parking spaces as indicated in the PWS.

Attachment 15

U. S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS ENVIRONMENTAL REQUIREMENTS FOR PRIVATIZED CONTRACTS

OVERVIEW AND OUTLINE FOR COMPLETING REQUESTS FOR PROPOSALS

Disclosure of information:

Information submitted by any potential offeror in compliance with the following instructions shall not be considered "Proprietary Information." The Government reserves the right to publicly disclose any information submitted, it deems necessary, to conduct an examination of the environmental impacts of the offeror's proposal.

The following is a general outline of information to be included in the environmental documentation that is completed for Requests for Proposals (RFPs) issued by the Federal Bureau of Prisons (Bureau) for new privatized correctional institutions. All information should be provided in both hard copy and electronic format. This outline is provided as guidance in document preparation.

Per requirements of the solicitation issued by the Bureau, potential offerors will be required to submit a Phase 1 Survey conducted in accordance with the American Society for Testing and Materials (ASTM), E-1527-97, "Standard Practice for Environmental Site Assessment Process." Also included as a "Non-Scope Consideration" under Chapter 12 of the Standard Practice, is a delineation or identification of on-site wetlands, and an analysis of potential impacts to threatened or endangered species or species of special status. These requirements will require the offeror to submit the sections according to the attached outline.

If items submitted in the proposal require further study and/or if there is a substantial change to the original information submitted the offeror may be required to submit revised and updated information.

The offeror acknowledges as a condition of submission that the Phase I Site Assessment is to be used by the Bureau and its consultant(s), and therefore waives any limitation to third party reuse.

TITLE PAGE

THE TITLE PAGE SHOULD CONTAIN THE FOLLOWING:

1. Title of the Project
2. Location of the Project (City, County, And State)
3. Prepared by: (Insert Name and Address of Contractor)
4. Prepared for:
THE FEDERAL BUREAU OF PRISONS
320 FIRST STREET, NW
WASHINGTON, DC 20534
5. Date (Month and Year)

EXECUTIVE SUMMARY

The Executive Summary should summarize the project, the potential environmental impacts, proposed mitigation, and any other relevant information pertaining to the impacts of the construction and operation of the proposed facility.

TABLE OF CONTENTS

The title and page number of all section in the document should be included in the Table of Contents. The Table of Contents should be revised as the document is updated.

LIST OF ACRONYMS

This is a list of commonly used acronyms in the document (always spell out the first time used).

1.0 AFFECTED ENVIRONMENTS AND POTENTIAL IMPACTS OF NEW FACILITY CONSTRUCTION

This chapter should include an overview of the site characteristics and the planned site development. A regional and site location map should be included. The regional map should show the proposed project in relation to the nearest major metropolitan area, airports, etc. The site location map should show the proposed project area and any significant features nearby.

If the potential of impacting a particular environment is obviously nonexistent, briefly explain the evaluation and that no impacts are expected. If the lack of impact is not

obvious, a short explanation as to why there is no impact may be included under that heading.

ALWAYS COMPLETELY ADDRESS THE FOLLOWING WHETHER OR NOT IMPACTS EXIST:

1. ENDANGERED SPECIES
2. WETLANDS
3. FLOODPLAINS
4. CULTURAL RESOURCES
5. ENVIRONMENTAL JUSTICE

Specific federal legislation for each of these areas requires analysis in NEPA documentation. This legislation is described in the following outline.

Each affected environment should include a general project description and how site development and operation of the proposed facility will impact and/or be impacted by the environment discussed. If impacts are expected, describe measures that can be undertaken to mitigate the anticipated impacts from construction and operation of the proposed facility. If further investigation would be required by the Bureau (such as for a biological assessment or parkland evaluation), give details on what this would entail and why it could not be undertaken by the private contractor at the time of the analysis.

CONSIDERATIONS FOR THE AFFECTED ENVIRONMENT

STEP ONE: **Resource Environment:** What is the resource environment in the project area
(topography, cultural resources, threatened and endangered species, etc.)?



STEP TWO: **Impacts:** How will development impact or be impacted by the resource considered?



STEP THREE: **Mitigation:** How could impacts be mitigated?



STEP FOUR: **Include supporting documentation in the Environmental Document provided to the Bureau**
(maps, references, tables, contacts, etc.)

1.1 TOPOGRAPHY

The topography of the project area should be described to determine potential impacts to the area and its suitability for development. Topography is considered for other potential impact areas such as wetlands, soils and geology, air quality, and water resources.

- What is the general topography of the site?
- What is the general topography immediately adjacent to the site?
- What impacts to the topography would be expected if the site is developed?
- If there are expected impacts to the topography, how could these impacts be mitigated?
- What are the limiting factors for development due to the existing topography?

Figures and Tables: Include the appropriate 7.5-minute U.S. Geological Survey (USGS) topographic map (or maps) for your site. ALWAYS INCLUDE A DATE FOR THE REFERENCE MATERIAL.

1.2 GEOLOGY AND SOILS (INCLUDE DESCRIPTION OF PRIME FARMLAND)

The soils and underlying geology of an area should be considered because they may have limitations to development such as poorly drained soils, prime farmland, and areas with the potential for seismic activity. Such characteristics may trigger special types of construction design and coordination with federal and state agencies.

- What soils and underlying geology exist at the site?
- Are any of the soils considered to be prime farmland?
- What soils and underlying geology are immediately adjacent to the site?
- Are the soils and geology suitable for development?
- What impacts to the soils and geology would be expected if the site is developed?
- If there are expected impacts to the soils and geology, how could these impacts be mitigated?
- What are the limiting factors for development due to the existing geology and soils?
- If there are limiting factors to development, how could they be mitigated?

- If applicable, cite coordination with the National Resources Conservation Service.

[A sample AD 1006 form is included under "Sample Correspondence and Forms." This form must be requested from the National Resource Conservation Service, as it is a multi-paged document with carbon copies.]

Figures and Tables: If the site is located in an earthquake-prone area, include a map of the seismic zones in the U.S. and discuss design and construction measures that could be undertaken to reduce earthquake damage. Include a table showing soil suitability for development as described in the National Resources Conservation Service (NRCS) Soil Survey for the area of proposed development.

1.3 HYDROLOGY

Both the surface and ground water sources should be considered to determine the suitability for development and the potential impact on related resources such as threatened and endangered species. Consideration of the current use of the water sources should be discussed. In addition, federal legislation requires that areas in the 100-year floodplain be avoided if other alternatives exist for development.

1.3.1 Surface Water

- What bodies of water exist at the site?
- How would development and operation of the proposed facility impact and/or be impacted by the surface water?
- If applicable, describe measures that could be implemented to mitigate the anticipated impacts.
- Cite agency consultation if applicable.

1.3.2 Flood Considerations

- Is any portion of the site in the 100-year and/or 500-year floodplain?
- Does the community participate in the National Flood Insurance Program (NFIP)? If so, will the project impact the Flood Insurance Rate Maps (FIRMs)?

- How will the proposed construction and operation of a new facility impact and/or be impacted by the floodplains?
- If applicable, describe measures that could be implemented to mitigate the anticipated impacts.
- Cite agency consultation if applicable.

1.3.3 Ground Water

- Is there a sole-source aquifer located in the area of the site?
- How would the construction and operation of the proposed facility impact and/or be impacted by the ground water?
- If applicable, describe measures that could be implemented to mitigate the anticipated impacts.

Figures and Tables: Include the Federal Insurance Rate Map (FIRM) that covers the project site. Clearly show all areas within and immediately adjacent to your site that are within the 100-year floodplain.

1.4 BIOLOGICAL RESOURCES

Biological resources in the project area may include both wetlands and threatened and endangered species. Federal legislation protects these resources and coordination with applicable federal agencies is typically required during project planning and development.

1.4.1 Wetlands

Wetlands are transitional areas between land and water and have features common to both. All wetlands share three common features: the presence of a water source, soils that differ from adjacent upland soils (hydric soils), and vegetation that can survive in wet conditions (hydrophytic vegetation).

When a project has considered all other feasible and prudent alternatives and still may cause unavoidable loss of wetlands, compensation may offset some of the impacts. Another option is the enhancement of an existing wetlands area.

Because of photo-interpretation problems, map scale, and lack of ground truthing, National Wetlands Inventory Maps (NWI) maps can depict non-wetlands as wetlands or completely miss wetlands on a site. NWI maps are most useful as a general approximation of wetland resources but do not provide sufficient detail to evaluate potential impacts of proposed activities on specific wetlands. Ground truthing by a qualified wetlands specialist should be conducted and documented in the report. Projects should avoid wetlands whenever feasible.

- Are there wetlands at the project site (reference NWI Map and field investigation by a certified wetlands specialist)?
- How would the development and operation of the proposed facility impact and/or be impacted by wetlands?
- Cite agency consultation if applicable.
- If applicable, describe measures that could be implemented to mitigate the anticipated impacts.

Figures and Tables: Include the appropriate NWI map for the project site.

1.4.2 Threatened or Endangered Species or Species of Special Status (animal and plant)

The analysis of potential impacts to threatened or endangered species or species of special status should include a site reconnaissance report identifying potential habitat or presence of protected species by a qualified biologist with federal and state threatened and endangered species (plant and animal) lists attached.

- Describe the threatened and endangered species and species of special status that may exist in the project area.
- Include appropriate threatened or endangered species and species of special status lists in the appendices.
- How would the development and operation of the proposed facility impact endangered species?
- Cite agency consultation with the USFWS.
- If applicable, describe measures that could be implemented to mitigate the anticipated impacts.

Figures and Tables: Include the T&E list or lists provided by the USFWS for the project area.

1.5 CULTURAL RESOURCES

- Identify historic properties in the project area. A phased approach may be used to conduct identification and evaluation efforts. However, the process should establish the likely presence of historic properties within the area of potential effects for each facility under construction.
- Cite consultation with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO); consultation with any Indian tribes or Native Hawaiian organization, including those located off tribal lands; and consultation with any consulting parties.
- Assess how would the development and operation of the proposed facility impact historic resources in the project area?
- If applicable, describe any measures that could be implemented to mitigate anticipated impacts and to complete identification and evaluation studies for the site.

1.6 HAZARDOUS MATERIALS

- To meet the standard of "all appropriate inquiry," conduct a Phase I according to the American Society for Testing and Materials (ASTM) 1527-97 Standard (See "Regulations and Guidance").

1.7 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

The environmental document should identify potential social and economic impacts of a proposed action, including any changes in the neighborhoods or community cohesion for the various social groups.

- Give brief description of affected populations in the project area. This should include descriptions (if any) of minority, elderly, and low-income populations.
- Discuss the potential disproportionate impacts of the proposed facility on minority, elderly, and low-income populations.
- How would the development and operation of the proposed facility impact minority, elderly, and low-

- income populations? Include impacts from noise, traffic, displacement, and employment.
- Will the development and operation of the proposed facility adversely impact children (Executive Order 13045: See "Regulations and Guidance").
- If applicable, describe measures that could be implemented to mitigate the anticipated impacts.

1.8 PUBLIC SERVICES

It is important to fully describe the public services in the project area so that consideration can be given to the area's capacity for new development.

- Describe the public services provided (and by whom) at the project site. This should include the fire department, police department, health care, and education.
- Would the public services in the area support the development of a new facility?
- How would the public services be impacted by the development and operation of the proposed facility.
- Cite coordination with services providers. Include information on whether or not there is capacity to serve a new facility.
- Cite improvements that may be necessary to serve a new facility. Impacts of these anticipated improvements should also be addressed.

Include the following information for public services:

Fire Department:

- Location of stations
- General information: number of firefighters, type of equipment
- Response capabilities/limitations
- Mutual aid agreements

Police Department:

- Location of department operations
- Number of officers and patrol vehicles
- Location of nearest county and state police operations

Health Care:

- Area hospitals
- Locations (map)
- Number of beds
- Available services

- Ambulance companies and number of vehicles each

Education:

- Area school systems/districts
- Location of schools (map)
- Existing enrollment in K-6, 7-8, and 9-12
- Existing capacities of the three levels
- Any planned expansions
- Local colleges, votech, universities, etc.

1.9 PUBLIC UTILITIES

It is important to fully describe the utilities in the project area so that consideration can be given to the area's capacity for new development.

- Describe the public utilities provided (and by whom) at the project site. This should include sanitary sewer, storm water drainage, water, electric power, natural gas, telephone service, solid waste disposal.
- Would the utilities in the area support the development of a new facility?
- How would the utilities be impacted by the development and operation of the proposed facility?
- Cite coordination with services providers. Include information on whether or not there is capacity to serve a new facility.
- Cite improvements that may be necessary such as sewer lines, water lines, etc. that will be necessary to serve a new facility. Impacts of these anticipated improvements should also be addressed.

Include the following information for public utilities:

Water Supply

- Source of water to the proposed site
- Name and address of provider
- Source of raw water (e.g. wells, reservoirs)
- Raw water: is availability of raw water an issue, i.e, aquifer depletion, seasonal shortages, and any other issues
- Location of water treatment facilities
- Treatment capacity: current rated capacity; current usage; both average and maximum, and how they compare to capacity; and any other water treatment issues or

- contingencies (e.g. agreements with neighboring jurisdictions)
- Location and capacity of storage tanks
- Location and size of water supply mains (map)
- Any right-of-way on site and if so, estimated cost of relocation
- Water delivery system: any bottlenecks in system, e.g., pumping capacities, pipelines that will have to be upgraded; if so what is nature of area to be disturbed; are pipeline replacements likely to present environmental issues?
- Any planned improvements
- Current water rate schedule

Waste Water Treatment

- Will proposed facility connect to an existing system?
- Name and address of treatment facility
- Name and address of state regulating agency
- General description of existing treatment facility
- System schematic if available
- Treatment system capacity
- Average and maximum daily wastewater generation
- Discharge locations
- Any discharge issues to be aware of
- Size and location of sewer system collection mains (map)
- Wastewater collection system: any bottlenecks in system, e.g., pumping capacities, pipelines that will have to be upgraded; if so, what is nature of area to be disturbed; are pipeline replacements likely to present environmental issues
- Any right-of-way on site and if so, estimated cost of relocation
- Any planned improvements
- If system will have separate, self contained wastewater treatment facility, what are the siting constraints; who will assume responsibility?

Electric Power Supply

- Power supply company name and address
- Location of power lines/grid (map)
- Location of closest system hook-up to site

- Any right-of-way of site and if so, estimated cost of relocation
- Any capacity or supply issues
- Any planned improvements
- Location of any nearby nuclear power plants (within 20 miles)

Heating Fuel

- Most likely system or options: natural gas, heating oil, or electricity
- If natural gas is available: name of gas supply company, size and location of gas mains (map), any right-of-way on site and if so, estimated cost of relocation and planned improvements.
- Other options: solar potential, co-generation, etc.

Telecommunications

- Name and address of telephone company
- Points of access (map if available)
- Any right-of-way on site and if so, estimated cost of relocation

Solid Waste Disposal

- Availability of collection services
- Current disposal system
- If landfill, who is operator, what is expected life, area served, etc.
- Responsible regulating agency at municipal, county, and state levels
- Other jurisdictional factors

1.10 LAND USE AND ZONING

Researching the land use and zoning of the project area is important in determining potential impacts of the construction and operation of the proposed facility. The surrounding land use should describe in detail, focusing on areas of potential concern such as schools, recreational areas, residential areas, airports, historical districts, and other areas that may not be considered compatible with the proposed facility. The zoning of the area should also be considered. A zoning map of the area should be studied to determine whether or not changes to the zoning would be required to accommodate the proposed facility.

- Describe the land use surrounding the proposed site. Describe the residential, commercial, and

recreational land uses surrounding the site. How is the proposed site currently zoned?

- Is the project site in a Federal Aviation Administration regulated noise contour and/or a flight safety zone?
- How would the development and operation of the proposed facility impact the zoning in the project area?
- If applicable, describe measures that could be implemented to mitigate the anticipated impacts.
- Parklands and/or recreation areas are two environmental concerns that require special attention. It is desirable from an environmental standpoint to avoid encroaching on these areas. If it is determined that development of the project would require use of these areas, then additional studies and possible mitigation would need to be undertaken.

Figures and Tables: Include zoning and/or land use maps for the area.

1.11 TRANSPORTATION

It is important to describe the transportation system that is current and proposed in the area. The current road system determines access and future land use patterns in the area of the proposed facility. Special attention should be paid to areas with high congestion to determine whether increased traffic would cause adverse impacts in the project area.

- What are the existing local, state, and federal roads that provide access to the proposed site?
- Will the project result in increased motor vehicle traffic during construction and/or operation?
- Describe any improvements to the transportation system which will be necessary as a result of the project (e.g. turning lane; road widening; signaling)
- Describe how these new traffic patterns will affect the land uses described in Section 2.8 including residential, commercial, and recreational land uses.

1.12 AIR QUALITY

The U.S. Environmental Protection Agency (EPA) defines ambient air in CFR 40, Part 50, as "that portion of the atmosphere, external to buildings, to which the general

public has access." In compliance with the 1970 Clean Air Act (CAA) and the 1977 and 1990 Amendments (CAAA), U.S.EPA has promulgated ambient air quality standards and regulations. The National Ambient Air Quality Standards (NAAQS) were enacted for the protection of the public health and welfare. To date, U.S.EPA has issued NAAQS for six criteria pollutants; carbon monoxide, sulfur dioxide, particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers, ozone, nitrogen dioxide, and lead.

There are two types of standards: primary and secondary. Primary standards are designed to protect sensitive segments of the population from adverse health effects, with an adequate margin of safety, which may result from exposure to criteria pollutants. Secondary standards are designed to protect human health and welfare and in some cases are more stringent than the primary standards. Human welfare is considered to include the natural environment (vegetation) and the man-made environment (physical structures). Areas that are below the standards are in "attainment," while those that equal or exceed the standards are in "non-attainment."

Although U.S.EPA has the ultimate responsibility for protecting ambient air quality, each state and local government has the primary responsibility for air pollution prevention and control. The CAA requires that each state submit a State Implementation Plan (SIP), which describes how the state will attain and maintain air quality standards in non-attainment areas. The SIP must be approved by U.S.EPA for each non-attainment pollutant. In order for projects to comply with the CAA and CAAA, they must conform with attainment plans documented in the SIPs.

- Give brief description of air quality standards in the project area (or state if applicable).
- Is the project area in attainment for the U.S.EPA standard criteria?
- How will the development and operation of the proposed facility impact air quality in the area?
- Cite agency consultation if applicable.
- If applicable, describe measures that could be implemented to mitigate the anticipated impacts.

1.13 NOISE

Noise is one of the most noticed environmental pollutants, therefore, potential noise impacts should be evaluated carefully.

- What are the current noise generators in the area of the proposed project site?
- What is the nature and volume of the noise emissions to be produced for all aspects of the project and known indirect effects (such as increased motor vehicle traffic) which will affect noise conditions and known sensitive receptor locations?
- If applicable, cite the noise ordinance for the proposed project site.

1.14 CUMULATIVE IMPACTS

This is a description of the cumulative impacts (if any) on the environment. It should be a brief summary of the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions within the geographical area and/or project area. Cite coordination with local Chamber of Commerce, planning agency, and other related development authorities to denote planned development in the area. Summarize any cumulative impacts of this project and any directly related projects. Give particular attention to land use changes, demands upon utility services and community resources, air and water quality impacts, etc. Summarize the results of the environmental impact analysis conducted for any related improvements or projects. Summarize any potential adverse impacts pointed out in the above analysis.

1.15 COORDINATION AND PERMITS

This is a description of permits typically required for the action. This includes such things as building codes and requirements, storm water and sediment and erosion control requirements, etc. If a particular alternative requires a specific federal or state permit (i.e. Section 404 permit), then the requirements of that permit should be discussed in that particular affected environment.

2.0 IMPACT SUMMARY MATRIX

For the proposed action, complete the following table to summarize the potential impacts discussed in Section 1.0.

IMPACT SUMMARY MATRIX FOR *(Insert Name of Proposed Project)*

Description	Potential Impact (s)	Proposed Mitigation
Topography		
Geology and Soils		
Surface Water		
Flood Considerations		
Ground Water		
Wetlands		
Threatened and Endangered Species		
Historic Properties		
Archaeological Resources		
Hazardous Materials		
Socioeconomic and Environmental Justice		
Public Services		
Public Utilities		
Land Use and Zoning		
Transportation		
Air Quality		
Noise		
Cumulative Impacts		

3.0 AGENCIES CONSULTED AND REFERENCES

This is a list of federal, state, and local agencies (with addresses and phone numbers) that were consulted during the preparation of the environmental documentation. Coordination letters should be provided in the appendices. Summaries of all informational meetings and public comments should be provided to the Bureau. Although formal

transcripts of the public meetings are not required, this type of documentation is recommended.

4.0 LIST OF PREPARERS

This is a list of all individuals that participated in the preparation of the documentation. The list should include the name, address, phone number, and agency or firm affiliation if applicable.

Attachment J-16

SENTRY RULES OF BEHAVIOR

You have requested access to SENTRY because the unique requirements of your job dictate a need for access from your duty station. Special precautionary procedures must be adhered to during a SENTRY session. The information in SENTRY is highly sensitive, and unauthorized access or disclosure of this information could result in potential threats to the safety of both staff and inmates.

1. You must abide by all provisions of the Bureau of Prisons (BOP) Program Statement 1237.13, Information Security, dated 3/31/06.
2. You must never conduct a SENTRY session in a public place or in the presence of a person who does not have authorized access (i.e., visitor areas, lobbies, etc.).
3. You are not in a controlled environment (BOP institution, regional office, Central Office). You must take extreme caution to ensure SENTRY information is not disclosed inappropriately. This includes:
 - ▶ safeguarding your SENTRY access password;
 - ▶ not sharing SENTRY IDs and/or passwords;
 - ▶ ensuring monitors/screens cannot be viewed by others;
 - ▶ being aware of those around you and your surroundings;
 - ▶ keeping your SENTRY device secure at all times in a safe place not frequented by the general public; and
 - ▶ keeping all print-outs and diskettes generated from a SENTRY session in your possession or locked at all times in a safe place not frequented by the general public.

I, the undersigned, understand the requirements stated above and agree to comply with the regulations related to protecting sensitive information. I also understand that failure to comply with the above requirements may result in the suspension or revocation of access to SENTRY.

Name

Date

Attachment J-17

FEDERAL BUREAU OF INVESTIGATION CRIMINAL JUSTICE INFORMATION SERVICES SECURITY ADDENDUM

Legal Authority for and Purpose and Genesis of the Security Addendum

Traditionally, law enforcement and other criminal justice agencies have been responsible for the confidentiality of their information. Accordingly, until mid-1999, the Code of Federal Regulations Title 28, Part 20, subpart C, and the National Crime Information Center (NCIC) policy paper approved December 6, 1982, required that the management and exchange of criminal justice information be performed by a criminal justice agency or, in certain circumstances, by a noncriminal justice agency under the management control of a criminal justice agency.

In light of the increasing desire of governmental agencies to contract with private entities to perform administration of criminal justice functions, the FBI sought and obtained approval from the United States Department of Justice (DOJ) to permit such privatization of traditional law enforcement functions under certain controlled circumstances. In the Federal Register of May 10, 1999, the FBI published a Notice of Proposed Rulemaking, announcing as follows:

1. Access to CHRI [Criminal History Record Information] and Related Information, Subject to Appropriate Controls, by a Private Contractor Pursuant to a Specific Agreement with an Authorized Governmental Agency To Perform an Administration of Criminal Justice Function (Privatization). Section 534 of title 28 of the United States Code authorizes the Attorney General to exchange identification, criminal identification, crime, and other records for the official use of authorized officials of the federal government, the states, cities, and penal and other institutions. This statute also provides, however, that such exchanges are subject to cancellation if dissemination is made outside the receiving departments or related agencies. Agencies authorized access to CHRI traditionally have been hesitant to disclose that information, even in furtherance of authorized criminal justice functions, to anyone other than actual agency employees lest such disclosure be viewed as unauthorized.

In recent years, however, governmental agencies seeking greater efficiency and economy have become increasingly interested in obtaining support services for the administration of criminal justice from the private sector. With the concurrence of the FBI's Criminal Justice Information Services (CJIS) Advisory Policy Board, the DOJ has concluded that disclosures to private persons and entities providing support services for criminal justice agencies may, when subject to appropriate controls, properly be viewed as permissible disclosures for purposes of compliance with 28 U.S.C. 534.

We are therefore proposing to revise 28 CFR 20.33(a)(7) to provide express authority for such arrangements. The proposed authority is similar to the authority that already exists in 28 CFR 20.21(b)(3) for state and local CHRI systems. Provision of CHRI under this authority would only be permitted pursuant to a specific agreement with an authorized governmental agency for the purpose of providing services for the administration of criminal justice. The agreement would be required to incorporate a security addendum approved by the Director of the FBI (acting for the Attorney General). The security addendum would specifically authorize access to CHRI, limit the use of the information to the specific purposes for which it is being provided, ensure the security and confidentiality of the information consistent with applicable laws and regulations, provide for sanctions, and contain such other provisions as the Director of the FBI (acting for the Attorney General) may require. The security addendum, buttressed by ongoing audit programs of both the FBI and the sponsoring governmental agency, will provide an appropriate balance between the benefits of privatization, protection of individual privacy interests, and preservation of the security of the FBI's CHRI systems.

The FBI will develop a security addendum to be made available to interested governmental agencies. We anticipate that the security addendum will include physical and personnel security constraints historically required by NCIC security practices and other programmatic requirements, together with personal integrity and electronic security provisions comparable to those in NCIC User Agreements between the FBI and criminal justice agencies, and in existing Management Control Agreements between criminal justice agencies and noncriminal justice governmental entities. The security addendum will make clear that access to CHRI will be

limited to those officers and employees of the private contractor or its subcontractor who require the information to properly perform services for the sponsoring governmental agency, and that the service provider may not access, modify, use, or disseminate such information for inconsistent or unauthorized purposes.

Consistent with such intent, Title 28 of the Code of Federal Regulations (C.F.R.) was amended to read:

§ 20.33 Dissemination of criminal history record information.

(a) Criminal history record information contained in the Interstate Identification Index (III) System and the Fingerprint Identification Records System (FIRS) may be made available:

(1) To criminal justice agencies for criminal justice purposes, which purposes include the screening of employees or applicants for employment hired by criminal justice agencies....

(6) To noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/information services for criminal justice agencies; and

(7) To private contractors pursuant to a specific agreement with an agency identified in paragraphs (a)(1) or (a)(6) of this section and for the purpose of providing services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information consistent with these regulations, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be exercised by the FBI Director (or the Director's designee).

This Security Addendum, appended to and incorporated by reference in a government-private sector contract entered into for such purpose, is intended to insure that the benefits of privatization are not attained with any accompanying degradation in the security of the national system of criminal records accessed by the contracting

private party. This Security Addendum addresses both concerns for personal integrity and electronic security which have been addressed in previously executed user agreements and management control agreements.

A government agency may privatize functions traditionally performed by criminal justice agencies (or noncriminal justice agencies acting under a management control agreement), subject to the terms of this Security Addendum. If privatized, access by a private contractor's personnel to NCIC data and other CJIS information is restricted to only that necessary to perform the privatized tasks consistent with the government agency's function and the focus of the contract. If privatized, the contractor may not access, modify, use or disseminate such data in any manner not expressly authorized by the government agency in consultation with the FBI.

Note to the 3/2003 edition of Security Addendum:

Upon its creation in 10/1999, the Security Addendum obligated the contracting parties (and most particularly, the private entity) to abide by numerous federal laws, regulations, and (formal and informal) CJIS Division and CJIS Advisory Policy Board policies. Subsequently, the CJIS Security Policy, which contains many of the relevant portions of those sources, was developed. This compendium resulted in a new Certification being drafted, effective 1/10/2001, which replaced the citation to many of these authorities with the CJIS Security Policy, thereby providing a contracting party with a short and finite list of authorities with which to comply.

Although the Certification was updated, the body of the Security Addendum still contained the old authorities. Additionally, the CJIS Security Policy, which was formerly part of the Policy and Reference Manual, became a separate document. The 3/2003 edition coalesces the body of the Security Addendum (principally in Sections 5.06 and 9.02) with the Certification; it makes no substantive changes.

Note to the 5/2006 edition of the Security Addendum:

With the evolution of policies and procedures relevant to CJIS Systems, certain policy documentation must also periodically be updated. These modifications include an update in basic terminology as recently approved by the Advisory Policy Board to reflect references to "CJIS Systems" (replacing "NCIC"), and the "CJIS Systems Agency (CSA)" and "CJIS Systems Officer (CSO)", replacing Control Terminal Agency (CTA) and Control Terminal Officer (CTO),

respectively. "Technical security" has been added to elements of a security program to be administered within the contractual relationship between the contracting governmental agency and the contractor. Clarifying language has been added: in Section 2.03 with regard to initial training, testing and certification of CJIS Systems operators; in Section 2.05 to reflect current policy regarding maintenance of dissemination logs; in Sections 5.06, 9.02, and the Certification Page to delete references to the now obsolete Policy and Reference Manual; and in Section 603(d) to establish that in extenuating circumstances, the CSO may be requested by the contracting government agency to review adverse employment decisions. The Certification Page has also been modified to be consistent with the language in the CJIS Systems User Agreement, in that it now simply requires the signatory to "be familiar with" the contents of the listed authorities. This 5/2006 version should be used henceforth (until superceded) for outsourcing contracts.

**FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES**

SECURITY ADDENDUM

The goal of this document is to provide adequate security for criminal justice systems while under the control or management of a private entity, the Contractor. Adequate security is defined in Office of Management and Budget Circular A-130 as "security commensurate with the risk and magnitude of harm resulting from the loss, misuse, or unauthorized access to or modification of information."

The intent of this Security Addendum is to require that the Contractor maintain a security program consistent with federal and state laws, regulations, and standards (including the CJIS Security Policy in effect when the contract is executed), as well as with policies and standards established by the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB).

This Security Addendum identifies the duties and responsibilities with respect to the installation and maintenance of adequate internal controls within the contractual relationship so that the security and integrity of the FBI's information resources are not compromised. The security program shall include consideration of personnel security, site security, system security, and data security, and technical security.

The provisions of this Security Addendum apply to all personnel, systems, networks and support facilities supporting and/or acting on behalf of the government agency.

1.00 Definitions

1.01 Administration of criminal justice - the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. It also includes criminal identification activities; the collection, storage, and dissemination of criminal history record information; and criminal justice employment.

1.02 Agency Coordinator (AC) - a staff member of the Contracting Government Agency, who manages the agreement between the Contractor and agency.

1.03 Contracting Government Agency (CGA) - the government agency, whether a Criminal Justice Agency or a Noncriminal Justice Agency, which enters into an agreement with a private contractor subject to this Security Addendum.

1.04 Contractor - a private business, organization or individual which has entered into an agreement for the administration of criminal justice with a Criminal Justice Agency or a Noncriminal Justice Agency.

1.05 CJIS Systems Agency (CSA) - a duly authorized state, federal, international, tribal, or territorial criminal justice agency on the CJIS network providing statewide (or equivalent) service to its criminal justice users with respect to the CJIS data from various systems managed by the FBI CJIS Division. There shall be only one CSA per state or territory. In federal agencies, the CSA may be the interface or switch to other federal agencies connecting to the FBI CJIS systems.

1.06 CJIS Systems Officer (CSO) - an individual located within the CJIS Systems Agency responsible for the administration of the CJIS network for the CJIS Systems Agency.

1.07 Criminal Justice Agency (CJA)- the courts, a governmental agency, or any subunit of a governmental agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice. State and federal Inspectors General Offices are included.

1.08 Noncriminal Justice Agency (NCJA) - a governmental agency or any subunit thereof that provides services primarily for purposes other than the administration of criminal justice.

1.09 Noncriminal justice purpose - the uses of criminal history records for purposes authorized by federal or state law other than purposes relating to the administration of criminal justice, including employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.

1.10 Security Addendum - a uniform addendum to an agreement between the government agency and a private contractor, approved by the Attorney General of the United States, which specifically authorizes access to criminal history record information, limits the use of the information to the purposes for which it is provided, ensures the security and

confidentiality of the information consistent with existing regulations and the CJIS Security Policy, provides for sanctions, and contains such other provisions as the Attorney General may require.

2.00 Responsibilities of the Contracting Government Agency

2.01 The CGA entering into an agreement with a Contractor is to appoint an AC.

2.02 In instances in which responsibility for a criminal justice system has been delegated by a CJA to a NCJA, which has in turn entered into an agreement with a Contractor, the CJA is to appoint an Agency Liaison to coordinate activities between the CJA and the NCJA and Contractor. The Agency Liaison shall, inter alia, monitor compliance with system security requirements. In instances in which the NCJA's authority is directly from the CSA, there is no requirement for the appointment of an Agency Liaison.

2.03 The AC will be responsible for the supervision and integrity of the system, training and continuing education of employees and operators, scheduling of initial training and testing, and certification testing and all required reports by NCIC.

2.04 The AC has the following responsibilities:

- a. Understand the communications and records capabilities and needs of the Contractor which is accessing federal and state records through or because of its relationship with the CGA;
- b. Participate in related meetings and provide input and comments for system improvement;
- c. Receive information from the CGA (e.g., system updates) and disseminate it to appropriate Contractor employees;
- d. Maintain and update manuals applicable to the effectuation of the agreement, and provide them to the Contractor;
- e. Maintain up-to-date records of employees of the Contractor who access the system, including name, date of birth, social security number, date fingerprint card(s) submitted, date security clearance issued, and date initially trained, tested, certified or recertified (if applicable);

- f. Train or ensure the training of Contractor personnel. If Contractor personnel access NCIC, schedule the operators for testing or a certification exam with the CSA staff, or AC staff with permission from the CSA staff. Schedule new operators for the certification exam within six (6) months of employment. Schedule certified operators for recertification testing within thirty (30) days prior to the expiration of certification. Schedule operators for any other mandated class;
- g. The AC will not permit an untrained/untested or non-certified employee of the Contractor to access a CJIS System;
- h. Where appropriate, ensure compliance by the Contractor with NCIC validation requirements;
- i. Provide completed Applicant Fingerprint Cards on each person within the Contractor who accesses the System to the CJA (or, where appropriate, CSA) for criminal background investigation prior to such employee accessing the system; and
- j. Any other responsibility for the AC promulgated by the FBI.

2.05 The CSA shall ensure that all NCIC hot file transactions be maintained on an automated log for a minimum of six months and Interstate Identification Index (III) transactions be maintained on an automated log for a minimum of one year. This automated log must clearly identify the operator on III transactions, the authorized receiving agency, the requester, and any secondary recipient. This information can be captured at log on and can be a name, badge number, serial number, or other unique number.

3.00 Responsibilities of the Contractor

3.01 The Contractor shall maintain a security program which complies with this Security Addendum.

3.02 The Contractor shall assign a Security Officer accountable for the management of this security program. This person shall coordinate with the CGA to establish the security program.

3.03 The Contractor shall document the security program in a Security Plan. The Security Plan shall describe the implementation of the security requirements described in this Security Addendum, the associated training program, and

the reporting guidelines for documenting and communicating security violations to the CGA. The Security Plan shall be subject to the approval of the CJA, even in instances in which the CGA is the NCJA.

3.04 The Contractor shall provide for a Security Training Program for all Contractor personnel engaged in the management, development, operation, and/or maintenance of criminal justice systems and facilities. Annual refresher training shall also be provided.

3.05 The Contractor shall establish a security violation response and reporting procedure to discover, investigate, document, and report on all security violations. Violations which endanger the security or integrity of the criminal justice system or records located therein must be communicated to the CGA immediately. Minor violations shall be reported to the CGA on a periodic basis, but in no instance less than quarterly. See Section 8.01.

3.06 The Contractor's facilities will be subject to unannounced security inspections performed by the CGA. These facilities are also subject to periodic FBI and state audits.

3.07 The security plan is subject to annual review by the CJA and the Contractor. During this review, efforts will be made to update the program in response to security violations, changes in policies and standards, and/or changes in federal and state law and technology.

3.08 The Contractor and its employees will comply with all federal and state laws, rules, procedures and policies (including the CJIS Security Policy in effect when the contract is executed) formally adopted by the FBI and the CJIS APB, including those governing criminal history record information.

4.00 Site Security

4.01 The Contractor shall dedicate and maintain control of the facilities, or areas of facilities, that support the CGA.

4.02 All terminals physically or logically connected to the computer system accessing NCIC and the criminal justice files must be segregated and screened against unauthorized use or observation.

5.00 System Integrity

5.01 Only employees of the Contractor, employees of CGA, the Agency Liaison, and such other persons as may be granted authorization by the CGA shall be permitted access to the system.

5.02 The Contractor shall maintain appropriate and reasonable quality assurance procedures.

5.03 Access to the system shall be available only for official purposes consistent with the appended Agreement. Any dissemination of NCIC data to authorized employees of the Contractor is to be for their official purposes.

5.04 Information contained in or about the system will not be provided to agencies other than the CGA or another entity which is specifically designated in the contract.

5.05 All criminal history record information requests must be authorized by the appended Agreement. A current up-to-date log concerning access and dissemination of criminal history record information shall be maintained at all times by the Contractor.

5.06 The Contractor will ensure that its inquiries of CJIS Systems and any subsequent dissemination conforms with applicable FBI/CJIS policies and regulations, as set forth in (1) the Security Addendum; (2) the NCIC 2000 Operating Manual; (3) the CJIS Security Policy; and (4) Title 28, Code of Federal Regulations, Part 20. All disseminations will be considered as "Unclassified, For Official Use Only."

5.07 The Contractor shall protect against any unauthorized persons gaining access to the equipment, any of the data, or the operational documentation for the criminal justice information system. In no event shall copies of messages or criminal history record information be disseminated other than as envisioned and governed by the appended Agreement.

6.00 Personnel Security

6.01 Appropriate background investigations must be conducted on all Contractor employees and the Contractor's vendors which provide system maintenance support.

6.02 Thorough background screening by the CGA is required. This investigation includes submission of a completed applicant fingerprint card to the FBI through the state identification bureau. State and national record checks by fingerprint identification must be conducted for all personnel who manage, operate, develop, access and maintain

criminal justice systems and facilities. Record checks must be completed prior to employment.

6.03 When a request is received by the CSA before system access is granted:

- a. The CGA on whose behalf the Contractor is retained must check state and national arrest and fugitive files. These checks are to be no less stringent than those performed on CJA personnel with access to NCIC.
- b. If a record of any kind is found, the CGA will be formally notified, and system access will be delayed pending review of the criminal history record information. The CGA will in turn notify the Contractor-appointed Security Officer.
- c. When identification of the applicant with a criminal history has been established by fingerprint comparison, the CGA's designee will review the matter. A Contractor employee found to have a criminal record consisting of any felony convictions or of misdemeanor offenses which constitute a general disregard for the law is disqualified. Applicants shall also be disqualified on the basis of confirmations that arrest warrants are outstanding for such applicants.
- d. If an adverse employment determination is made, access will be denied and the Contractor-appointed Security Officer will be notified in writing of the access denial. This applicant will not be permitted to work on the contract with the CGA. Disqualified employees and applicants for employment shall be notified of the adverse decisions and the impact that such records had on such decisions. The CGA may request the CSO to review an adverse employment decision in extenuating circumstances.

6.04 The investigation of the applicant's background shall also include contacting of employers (past or present) and personal references.

6.05 The Security Officer shall maintain a list of personnel who successfully completed the background investigation.

6.06 The CGA will ensure that each Contractor employee receives a copy of the Security Addendum and executes an acknowledgment of such receipt and the contents of the Security Addendum. The signed acknowledgments shall remain

in the possession of the CGA and available for audit purposes.

6.07 The CGA shall ensure that each Contractor employee authorized to access CJIS network terminals or information provided therefrom is specially trained in the state and federal laws and rules governing the security and integrity of criminal justice information.

6.08 All visitors to sensitive areas of Contractor facilities must be escorted at all times by a Contractor employee with clearance. Names of all visitors shall be recorded in a visitor log, to include date and time of visit, name of visitor, purpose of visit, name of person visiting, and date and time of departure. The visitor logs shall be maintained for five years following the termination of the contract.

7.00 System Security

7.01 Transmission, processing, and storage of CJA information shall be conducted on dedicated systems. Increased reliance should be placed on technical measures to support the ability to identify and account for all activities on a system and to preserve system integrity.

7.02 The system shall include the following technical security measures:

- a. unique identification and authentication for all interactive sessions;
- b. if warranted by the nature of the contract, advanced authentication techniques in the form of digital signatures and certificates, biometric or encryption for remote communications;
- c. security audit capability for interactive sessions and transaction based logging for message-based sessions; this audit shall be enabled at the system and application level;
- d. access control mechanisms to enable access to be restricted by object (e.g., data set, volumes, files, records) to include the ability to read, write, or delete the objects;
- e. ORI identification and access control restrictions for message based access;
- f. system and data integrity controls;

- g. access controls on communications devices;
- h. confidentiality controls (e.g., partitioned drives, encryption, and object reuse).

7.03 Data encryption shall be required throughout the network passing through a shared public carrier network.

7.04 The Contractor shall provide for the secure storage and disposal of all hard copy and media associated with the system to prevent access by unauthorized personnel.

7.05 The Contractor shall establish a procedure for sanitizing all fixed storage media (e.g., disks, drives) at the completion of the contract and/or before it is returned for maintenance, disposal or reuse. Sanitization procedures include overwriting the media and/or degaussing the media. If media cannot be successfully sanitized it must be returned to the CGA or destroyed.

8.00 Security violations

8.01 Consistent with Section 3.05, the Contractor agrees to inform the CGA of system violations. The Contractor further agrees to immediately remove any employee from assignments covered by this contract for security violations pending investigation. Any violation of system discipline or operational policies related to system discipline are grounds for termination, which shall be immediately reported to the AC in writing.

8.02 The CGA must report security violations to the CSO and the Director, FBI, along with indications of actions taken by the CGA and Contractor.

8.03 Security violations can justify termination of the appended agreement.

8.04 Upon notification, the FBI reserves the right to:

- a. Investigate or decline to investigate any report of unauthorized use;
- b. Suspend or terminate access and services, including the actual NCIC telecommunications link. The FBI will provide the CSO with timely written notice of the suspension. Access and services will be reinstated only after satisfactory assurances have been provided to the FBI by the CJA and Contractor. Upon termination, the Contractor's records

containing criminal history record information must be deleted or returned to the CGA.

8.05 The FBI reserves the right to audit the Contractor's operations and procedures at scheduled or unscheduled times. The FBI is authorized to perform a final audit of the Contractor's systems after termination of the Security Addendum.

9.00 Miscellaneous provisions

9.01 This Security Addendum does not confer, grant, or authorize any rights, privileges, or obligations on any persons other than the Contractor, CGA, CJA (where applicable), CSA, and FBI.

9.02 The following documents are incorporated by reference and made part of this agreement: (1) the Security Addendum; (2) the NCIC 2000 Operating Manual; (3) the CJIS Security Policy; and (4) Title 28, Code of Federal Regulations, Part 20. The parties are also subject to applicable federal and state laws and regulations.

9.03 The terms set forth in this document do not constitute the sole understanding by and between the parties hereto; rather they provide a minimum basis for the security of the system and it is understood that there may be terms and conditions of the appended Agreement which impose more stringent requirements upon the Contractor.

9.04 This Security Addendum may only be modified by the FBI, and may not be modified by the parties to the appended Agreement without the consent of the FBI.

9.05 All notices and correspondence shall be forwarded by First Class mail to:

Assistant Director
Criminal Justice Information Services Division, FBI
1000 Custer Hollow Road
Clarksburg, West Virginia 26306

**FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES
SECURITY ADDENDUM**

CERTIFICATION

I hereby certify that I am familiar with the contents of (1) the Security Addendum; (2) the NCIC 2000 Operating Manual; (3) the CJIS Security Policy; and (4) Title 28, Code of Federal Regulations, Part 20, and agree to be bound by their provisions.

I recognize that criminal history record information and related data, by its very nature, is sensitive and has potential for great harm if misused. I acknowledge that access to criminal history record information and related data is therefore limited to the purpose(s) for which a government agency has entered into the contract incorporating this Security Addendum. I understand that misuse of the system by, among other things: accessing it without authorization; accessing it by exceeding authorization; accessing it for an improper purpose; using, disseminating or redisseminating information received as a result of this contract for a purpose other than that envisioned by the contract, may subject me to administrative and criminal penalties. I understand that accessing the system for an appropriate purpose and then using, disseminating or redisseminating the information received for another purpose other than execution of the contract also constitutes misuse. I further understand that the occurrence of misuse does not depend upon whether or not I receive additional compensation for such authorized activity. Such exposure for misuse includes, but is not limited to, suspension or loss of employment and prosecution for state and federal crimes.

Signature of Contractor Employee

Date

Signature of Contractor Representative

Date

Organization and Title

Attachment J-18

QUALIFYING FEDERAL OFFENSES FOR PURPOSES OF DNA SAMPLE COLLECTION

Section I.

QUALIFYING FEDERAL OFFENSES FOR PURPOSES OF DNA SAMPLE COLLECTION

The Department of Justice has issued rules to implement section 203(b) of Public Law 108-405, the Justice For All Act. 28 C.F.R. Part 28. That rule amended the list of Federal offenses originally set forth in Public Law 106-546, the DNA Analysis Backlog Elimination Act of 2000, that will be treated as qualifying offenses for purposes of collecting DNA samples from inmates in the custody of the Bureau of Prisons. Also included on that list are qualifying military and D.C. Code offenses. For further information and assistance, please contact legal staff at your Consolidated Legal Center or Regional Office.

The following offenses shall be treated for purposes of section 3 of Public Law 106-546 (42 U.S.C. § 14135a) as qualifying federal offenses:

1. **Any felony.**

"Felony" means a federal offense:

- (a) that would be classified as a felony under 18 U.S.C. § 3559(a); or
- (b) that is specifically classified by a letter grade as a felony.

Commentary for 1(a). Title 18 U.S.C. § 3559(a), *Sentencing classification of offenses*, defines "felony" by referring to offenses for which the maximum authorized term of imprisonment exceeds one year. The statute provides the following classifications of offenses as felonies based on the maximum term of imprisonment:

- (1) life imprisonment, or if the maximum penalty is death, as a Class A felony;
- (2) twenty-five years or more, as a Class B felony;
- (3) less than twenty-five years but ten or more years, as a Class C felony;
- (4) less than ten years but five or more years, as a Class D felony;
- (5) less than five years but more than one year, as

a Class E felony;

. . . .

18 U.S.C. 3559(a).

Commentary for 1(b). Title 18 U.S.C. § 3559(a) is not applied to determine the classification of offenses that are specifically classified by letter grade as Class A, B, C, D, or E felonies. For example, 33 U.S.C. § 1232(b)(2) provides that a person who engages in certain proscribed conduct "commits a Class C felony." In such cases, the statute on its face identifies the offense as a felony - eliminating the need for any further inquiry to determine its classification. In cases where the court documents do not identify the specific class of felony, the classifications in the Commentary for 1(a) shall be applied.

2. Any offense under chapter 109A of title 18, United States Code, even if not a felony.

Commentary. Included as qualifying federal offenses are any offense under chapter 109A of title 18 (the "sexual abuse" chapter of the federal criminal code), as authorized by 42 U.S.C. § 14135a(d)(2). Most of the offenses in chapter 109A are independently covered as felonies, but some are misdemeanors. The inclusion of chapter 109A offenses without qualification means that all persons who have been convicted of any offense or offenses under that chapter, whether felonies or misdemeanors, are subject to DNA sample collection. The offenses under chapter 109A of title 18 are listed as follows:

2241, Aggravated sexual abuse.
2242, Sexual abuse.
2243, Sexual abuse of a minor or ward.
2244, Abusive sexual contact.
2245, Sexual abuse resulting in death.

3. Any offense under any of the following sections of the United States Code, even if not a felony:

Commentary. The Attorney General has determined the following offenses are crimes of violence as defined by 18 U.S.C. § 16 and that persons convicted of these misdemeanors should be subject to DNA sample collection.

Title 16,

- section 773g if the offense involves a violation of section 773e(a)(3),

- 1859 if the offense involves a violation of section 1857(1) (E),
- 3637(c) if the offense involves a violation of section 3637(a) (3), or
- 5010(b) if the offense involves a violation of section 5009(6) .

Title 18,

- section 111,
- 112(b) involving intimidation or threat,
- 113,
- 115,
- 245,
- 247,
- 248 unless the offense involves only a nonviolent physical obstruction and is not a felony,
- 351,
- 594,
- 1153 involving assault against an individual who has not attained the age of 16 years,
- 1361,
- 1368,
- the second paragraph of 1501,
- 1509,
- 1751,
- 1991, or
- 2194 involving force or threat.

Title 26, section 7212.

Title 30, section 1463 if the offense involves a violation of section 1461(4) .

Title 40, section 5109 if the offense involves a violation or attempted violation of section 5104(e) (2) (F) .

Title 42,

- section 2283,
- 3631, or
- 9152(d) if the offense involves a violation of section 9151(3) .

Title 43, section 1063 involving force, threat, or intimidation.

Title 47, section 606(b) .

Title 49, section 46506(1) unless the offense involves only an act that would violate section 661 or 662 of title 18 and would not be a felony if committed in the special maritime and territorial jurisdiction of the United States.

4. **Any offense that is an attempt or conspiracy to commit any of the foregoing offenses, even if not a felony.**

Commentary. In most cases such attempt or conspiracy offenses are independently covered as felonies under 28 C.F.R. Part 28.2(b)(1), but in some instances they will be misdemeanors which are not otherwise covered. For example, a conspiracy to commit a misdemeanor under chapter 109A of title 18, prosecuted under 18 U.S.C. § 371, would itself be a misdemeanor pursuant to the second paragraph of 18 U.S.C. § 371. Thus, a sample should be collected from an offender with this conviction.

Repealed offenses. An offense that was a qualifying federal offense as defined in this section at the time of conviction, such as an offense under 18 U.S.C. § 2031 or § 2032, remains a qualifying federal offense even if the provision or provisions defining the offense or assigning its penalties have subsequently been repealed, superseded, or modified.

Section II.

QUALIFYING OFFENSES UNDER THE DISTRICT OF COLUMBIA CODE FOR PURPOSES OF DNA SAMPLE COLLECTION

The listing of qualifying D.C. Code offenses for which DNA collection is required is found at D.C. Code § 22-4151. In the 2001 edition of the D.C. Criminal Code, numerous code sections were re-numbered. Therefore, some numerical codes of conviction may not correspond with the list of qualifying offenses found at § 22-4151 if the offender was convicted prior to 2001. However, DNA collection must still occur if the offender is convicted of a qualifying offense regardless of what corresponding code number is cited. Thus, in the below list of qualifying D.C. Code offenses, former D.C. Code offenses are also provided and indicated in **[bold font and brackets]** where applicable. It is necessary for staff to review both the former and current D.C. Offense codes listed when determining DNA collection eligibility.

Hence, the following D.C. Code criminal offenses shall be qualifying offenses for the purposes of DNA collection under the DNA Analysis Backlog Elimination Act of 2000:

- (1) DC Code, Sec. 22-301 (arson) **[Formerly § 22-401];**
- (2) DC Code, Sec. 22-302 (burning of one's own property with intent to defraud or injure another) **[Formerly § 22-402];**
- (3) DC Code, Sec. 22-303 (malicious burning, destruction, or injury of another's property) **[Formerly § 22-403];**
- (4) DC Code, Sec. 22-401 (assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second degree sexual abuse or child sexual abuse) **[Formerly § 22-501];**
- (5) DC Code § 22-402 (assault with intent to commit mayhem or with dangerous weapon) **[Formerly § 22-502];**
- (6) DC Code, § 22-404.1 (aggravated assault) **[Formerly § 22-504.1];**
- (7) DC Code, § 22-405(b) (assault on member of police force, campus or university special police, or fire department using a deadly or dangerous weapon) **[Formerly § 22-505(b)];**
- (8) DC Code, § 22-406 (mayhem or maliciously disfiguring) **[Formerly § 22-506];**
- (9) DC Code § 22-1101 (cruelty to children) **[Formerly § 22-901];**
- (10) DC Code § 22-1312(b) (lewd, indecent, or obscene acts (knowingly in the presence of a child under the age of 16 years)) **[Formerly § 22-1112(b)];**
- (11) DC Code § 22-801 (burglary) **[Formerly § 22-1801];**
- (12) DC Code § 22-901 (incest) **[Formerly § 22-1901];**
- (13) DC Code, Sec. 22-2201 (certain obscene activities involving minors) **[Formerly § 22-2001];**
- (14) DC Code, Sec. 22-3102 (sexual performances using minors) **[Formerly § 22-2012];**
- (15) DC Code § 22-2001 (kidnaping) **[Formerly § 22-2101];**
- (16) DC Code § 22-2101 (murder in the first degree) **[Formerly § 22-2401];**

- (17) DC Code § 22-2102 (murder in the first degree -- obstructing railroad) **[Formerly § 22-2402];**
- (18) DC Code § 22-2103 (murder in the second degree) **[Formerly § 22-2403];**
- (19) DC Code § 22-2105 (voluntary manslaughter only) **[Formerly § 22-2405];**
- (20) DC Code § 22-2106 (murder of a law enforcement officer) **[Formerly § 22-2406];**
- (21) DC Code § 22-2704 (abducting, enticing, or harboring a child for prostitution);
- (22) DC Code § 22-2705 (pandering; inducing or compelling an individual to engage in prostitution);
- (23) DC Code § 22-2706 (compelling an individual to live life of prostitution against his or her will);
- (24) DC Code § 22-2708 (causing spouse to live in prostitution);
- (25) DC Code § 22-2709 (detaining an individual in disorderly house for debt there contracted);
- (26) DC Code § 22-4801 (forcible rape, carnal knowledge or statutory rape as these offenses were proscribed until May 23, 1995) **[Formerly § 22-2801];**
- (27) DC Code § 22-2801 (robbery) **[Formerly § 22-2901];**
- (28) DC Code § 22-2802 (attempted robbery) **[Formerly § 22-2902];**
- (29) DC Code § 22-2803 (carjacking) **[Formerly § 22-2903];**
- (30) DC Code § 22-3801(a) (indecent acts with children as this offense was proscribed until May 23, 1995) **[Formerly § 22-3501];**
- (31) DC Code § 22-3801(b) (enticing a child as this offense was proscribed until May 23, 1995) **[Formerly § 22-3501(b)];**
- (32) DC Code § 22-3802(a) (sodomy as this offense was proscribed until May 23, 1995, where this offense was forcible or committed against a minor) **[Formerly § 22-3502(a)];**

- (33) DC Code § 22-3002 (first degree sexual abuse) **[Formerly § 22-4102];**
- (34) DC Code § 22-3003 (second degree sexual abuse) **[Formerly § 22-4103];**
- (35) DC Code § 22-3004 (third degree sexual abuse) **[Formerly § 22-4104];**
- (36) DC Code § 22-3005 (fourth degree sexual abuse) **[Formerly § 22-4105];**
- (37) DC Code, Sec. 22-3006 (misdemeanor sexual abuse) **[Formerly § 22-4106];**
- (38) DC Code § 22-3008 (first degree child sexual abuse) **[Formerly § 22-4108];**
- (39) DC Code § 22-3009 (second degree child sexual abuse) **[Formerly § 22-4109];**
- (40) DC Code § 22-3010 (enticing a child) **[Formerly § 22-4110];**
- (41) DC Code § 22-3013 (first degree sexual abuse of a ward) **[Formerly § 22-4113];**
- (42) DC Code § 22-3014 (second degree sexual abuse of a ward) **[Formerly § 22-4114];**
- (43) DC Code § 22-3015 (first degree sexual abuse of a patient or client) **[Formerly § 22-4115];**
- (44) DC Code § 22-3016 (second degree sexual abuse of a patient or client) **[Formerly § 22-4115];**
- (45) DC Code § 22-3018 (attempts to commit sexual offenses) **[Formerly § 22-4118];**
- (45A) DC Code § 22-3152(1) (act of terrorism);
- (45B) DC Code § 22-3154 (manufacture or possession of weapon of mass destruction);
- (45C) DC Code § 22-3155 (use, dissemination, or detonation of a weapon of mass destruction) and
- (46) Attempt or conspiracy to commit any of the offenses listed in paragraphs (1) through (45C) of this section.

Section III.

**QUALIFYING MILITARY OFFENSES
FOR PURPOSES OF DNA SAMPLE COLLECTION**

The listing of qualifying Military offenses for which DNA collection is required is found at 10 U.S.C. § 1565. As determined by the Secretary of Defense, in consultation with the Attorney General, the offenses that shall be treated as qualifying military offenses are as follows:

- (1) Any offense under the Uniform Code of Military Justice for which a sentence of confinement for more than one year may be imposed.
- (2) Any other offense under the Uniform Code of Military Justice that is comparable to a qualifying Federal offense (as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)). **[Staff should refer to Section I of this attachment for guidance regarding qualifying Federal offenses.]**

Attachment J-19

INFORMATION SYSTEMS EQUIPMENT

The contractor's information systems must conform to:

1. P.S. 1237.13, Information Security, dated 3/31/06;
2. P.S. 1237.14, Personal Computers and Network Standards, dated 5/7/07;
3. P.S. 1237.15, Information Resources Protection, dated 12/31/07;
4. P.S. 1280.11, JUST, NCIC, and NLETS Telecommunication Systems (Management and Use), dated 1/7/00; and
5. DOJ 2640.2E, Information Technology Security, dated 11/28/03.

The above program statements and DOJ order detail the requirements. However, the following highlight information which may not be included.

All of the software listed below is a requirement. The Local Area Network (LAN) workstation equipment list details the minimum requirements for new purchases. Please note: equivalent software versions must be maintained as required by Bureau of Prison (BOP) policy (i.e., technical bulletins) throughout the life of the contract.

The BOP shall provide the following:

Circuit to the BOP's Network Control Center (Channel Service Unit/Data Service Unit, Router, Dial-up Modem) will be ordered by the BOP.

For connection to the BOP Wide Area Network (WAN), the contractor is required to provide:

1. Any required extension of the telecommunications Dmarc (including any inside wiring).
2. 100 MB Ethernet connection from the Novell LAN to the WAN contractor provided router to allow connection to the BOP WAN.
3. Future wide area network enhancements may necessitate additional changes.

To connect to the BOP LAN, the contractor shall provide the following:

1. Ethernet cable plant which consists of single-mode and/or multi-mode fiber backbone and category 6 cable lobes. (If existing cabling is different, it must be approved through National Network Communications.)

2. Administrative file server.

Suggested server specifications: Proliant ML 370 G5 HPM Tower or Rack Model with Dual Xeon 5160 3Ghz CPU's and 6 x 146GB hard drives, including Hard Drive Retention.

Configuration details: Dual Processor Proliant ML 370 G5 Rackmount Base, 2 x Dual Core Intel XEON 5160 3.00Ghz CPU with 1333Mhz FSB, 4GB PC2-5300 (4 x 1GB DIMM's spread between 2 memory boards for 4:1 interleaving support), 2nd memory board, 4MB Cache per CPU, 5U Rack Chassis, embedded dual 100/1000 NIC's, 6 x 146GB 10k rpm SAS drives, PCI-e P400 DAC w/512MB RAM, RAID 5 with on-line spare, Novell OES 2 certified, redundant fans and power, DVD-ROM and floppy disk drive, Integrated Advanced Lights Out II, Insight Manager, rapid deploy rails, 9 total IO slots: 2 PCI-x, 6 PCI-Express, 1 PCI Express for RAID Controller, 3 Yr 24x7 4HR NBD On-Site Warranty. Also includes PCI-e U320 SCSI controller card to provide 1 external SCSI 68-pin connection for use with external tape backup.

Annual Novell software maintenance and support.

3. Cisco Ethernet switches for new and existing facilities protected by an Uninterruptible Power Supply.
4. Network interface cards, cables and UPS's for the servers and workstations on the LAN.
5. Network backup: Spectra Logic 2K AIT-5 tape backup library with Veritas Backup Exec for Novell OES 2/SuSE Linux SP1 or higher and changer option (50-100 AIT-5 tapes recommended).
6. For workstations and printers, there will be no static IP addresses. Most addresses should be given via BOP DHCP server. However, any needed static addresses will be assigned by National Network Communications. No public IP addresses will be permitted.
7. Multiple network segments will be connected by Ethernet switches.

8. A detailed diagram of all network cable runs, drops and equipment will be provided to National Network Communications.

All contractor network operating system software and configurations, including servers and workstations, applications software and configurations, shall be of the same release, version and configuration used by the BOP throughout the life of the contract. The contractor shall be advised of changes to hardware/software and configuration requirements by the BOP in the same manner as BOP facilities are notified. Minimum software requirements include:

1. Novell Open Enterprise Server (OES 2/SuSE Linux SP 1 or higher), E-DIR 8.8x, LDAP V3.
2. GroupWise 7 SP 2.
3. Windows XP Professional SP2 or higher with maintenance and Microsoft Internet Explorer Browser 7.
4. Norton Anti-Virus Corporate Edition Version 10.1 MR 6 or higher for OES2 as specified by OIS technical bulletins and Windows XP Professional with maintenance.
5. Minimum of WordPerfect Suite X3 or current edition, including Quattro Pro and Presentations.
6. Network Software Associate's NS Elite Win 95/NT clients.
7. Microsoft SNA Client.
8. Screen Pass 5.1 or higher.
9. Novell Client 4.91 SP4.
10. Adobe 8 Reader.

All Internet protocol addresses shall be obtained from the BOP. Networks shall not be connected to any other external network. The GroupWise system shall be a stand alone primary domain that will connect up to the Bureau GroupWise system as an external domain. Shared Network printers shall connect directly to the network.

1. All contractor standard LAN workstations shall include:

Desktop computer specifications: currently Windows Pro SP2 required.

HP dc7800 Minitower with 17" monitor: CMT chassis, Intel Core 2 Duo E6600 Processor, 2.4Ghz CPU, 4MB L2 cache, 1066Mhz FSB, 1GB PC2-5300 DDR2 667Mhz RAM - 1 DIMM, 80GB 7200rpm SATA HDD, 48X/32X DVD/CDRW Combo Drive, 1.44MB Floppy Drive, Integrated Intel GMA 3000 with 256MB shared video, 10/100/1000 integrated NIC, internal speaker, USB Keyboard/Optical Mouse, 4 PCI Slots all full height (2 x PCI, 1 x PCIE, 1 x PCIx), 8 USB slots, serial, parallel, choice of Windows XP Pro SP2 or Vista Business 32-bit , 3 Yr NBD On-Site Warranty with Hard Drive Retention. (Note on choice of OS: Vista Business license includes full downgrade rights to XP and later upgrade back to Vista).

Headsets w/microphone (optional, but required for Centra training).

2. Fully 100% HP-compatible Laser/Inkjet network/local printers. Network print servers must be NDPS aware and OES2/SuSE Linux compliant.
3. Only one NIC (Network Interface Card) shall be attached to the workstation connected to the BOP WAN. There will not be a connection to an external system. Only BOP approved hardware and software shall be connected to or installed on any device attached to the BOP WAN/LAN.

Additional requirements:

User ID Network naming standards; must use the following 7 character format; no duplicates are allowed.

The ID will consist of the facility code and the last 4 digits of the staff member's Social Security Number ("SSN"). Example: TAF1234.

This naming convention is consistent with SENTRY user IDs (BOP9999, ATL1111, etc.). Where necessary, to avoid duplicate user-IDs when using the SSN, an alpha character (A-Z) should be substituted in the last position of the user ID (e.g., BOP123A).

As an alternative, Computer Services staff may use the facility code and any 4 digit number in sequential series (e.g., 1001, 1002, etc.). Tracking of sequential numbers used instead of the SSN will be a local responsibility.

All network user accounts that have not been logged on for 90 days must be disabled.

Security and passwords must follow normal BOP requirements.

Network/BOPNet passwords will now have the following form:

- User-selected;
- Minimum 8 characters long;
- Must contain at least 1 alphabetic character in any position;
- DOJ baseline configuration does not like a number or special character in the first position of the password and, therefore, the numeric and special characters should be in position 2 through 7;
- Must contain at least 1 numeric character in position 2 through 7;
- Must contain at least 1 special character in position 2 through 7.
- Example: sw3san#d

This is a DOJ requirement the contractor shall follow. Recommended software is Novell Modular Authentication Services (NMAS). However, Netvision synchronicity is acceptable if already in place.

Passwords shall be unique and will have a maximum lifetime of 60 days.

BOP is currently migrating SENTRY to New Web Technology. This may require additional software purchases in the near future. BOP will provide specific requirements as needed.

The following equipment is recommended in order for the BOP to assist the contractor with network problem resolution.

1. Network Associates Ethernet Distributed Sniffer, DS PRO 5.0. Note: The Sniffer hardware is currently a customer supplied PC with two NIC cards with the Sniffer software installed.
2. Cisco Active Ethernet IP managed switches.
3. Cisco Works 2000 Switch management software.
4. 10/100 Ethernet PCI NIC cards.

Attachment J-20

PROCEDURES FOR IMPLEMENTATION OF WALSH ACT CIVIL COMMITMENT OF SEXUALLY DANGEROUS PERSONS

The Adam Walsh Child Protection and Safety Act (Walsh Act) includes a provision for the civil commitment of sexually dangerous persons due for release from Bureau of Prisons (Bureau) custody (18 U.S.C. § 4248). To initiate court commitment proceedings, the Bureau must certify the inmate as a "sexually dangerous person" as specified in the statute. Pending federal regulations and further guidance or policy issuance, the following procedures will be implemented to accomplish this review.

The Certification Review Branch (CRB) was established as the result of the Adam Walsh Child Protection and Safety Act of 2006. The branch reviews inmates to determine whether the necessary conditions are met for civil commitment as a sexually dangerous person. The Certification Review Panel (CRP) is the body within the branch that convenes to make the decision to certify an individual.

Categories of Inmates to be Reviewed for Potential Certification as a Sexually Dangerous Person:

- Inmates releasing from a term of imprisonment (this includes all sentenced offenders housed in the Bureau, such as, District of Columbia Code offenders, military prisoners, treaty transfer cases, and criminal aliens);
- Inmates whose charges are dismissed due to a mental condition; and/or
- Inmates found incompetent to stand trial and un-restorable under § 4241(d).
- NOTE: The following inmates DO NOT need to be reviewed for potential certification under these procedures:
 - Pre-trial inmates (Except as mentioned above 4241(d) inmates);
 - Persons held as material witnesses;
 - Persons held on contempt orders; or
 - Persons being released on bond.

Cases to be Referred to the Bureau's Certification Review Branch (of All Bureau Offenders in the Categories Above):

- Refer all inmates with the Public Safety Factor (PSF) Sex Offender who are 18 months or less from release or

with an anticipated Residential Reentry Center (RRC) transfer date.

- Refer any other inmate who lacks the PSF Sex Offender assignment, but who has engaged or attempted to engage in sexually violent conduct or child molestation, and is 18 months or less from release or with an anticipated RRC transfer date. These inmates may be identified by review of the Pre-sentence Investigation Report (PSR) and all other documents in the inmate's central file. These inmates may have engaged in sexually violent conduct or child molestation described in connection with another offense or charge, have a description of such behavior although charges were dropped, or have a history of sexual violence in an institution.

- **Definitions:**

Definition of "Sexually Violent Conduct"

(A) Any unlawful conduct of a sexual nature with another person ("the victim") that involves:

- (1) the use or threatened use of force against the victim;
- (2) threatening or placing the victim in fear that the victim, or any other person, will be harmed;
- (3) rendering the victim unconscious and thereby engaging in conduct of a sexual nature with the victim;
- (4) administering to the victim, by force or threat of force, or without the knowledge or permission of the victim, a drug, intoxicant, or other similar substance, and thereby substantially impairing the ability of the victim to appraise or control conduct;
- (5) engaging in such conduct with a victim who is incapable of appraising the nature of the conduct, or physically or mentally incapable of declining participation in, or communicating unwillingness to engage in, that conduct; or

(B) Engaging in any conduct of a sexual nature with another person with knowledge of having tested positive for the human immunodeficiency virus (HIV), or other potentially life-threatening sexually-transmissible disease, without the informed consent of the other person to be potentially exposed to that sexually transmissible disease.

Definition of "Child Molestation"

"Child molestation" includes any unlawful conduct of a sexual nature with, or sexual exploitation of, a person under the age of 18 years.

These definitions are subject to change with the issuance of regulations or clarifying policy.

Questionable Cases:

- As the above definitions are not all-inclusive, any questionable cases should be referred to the institution Sex Offender Release Coordinator (SORC), who may in turn consult with the Bureau's Certification Review Branch to determine whether the case should be referred for full review.

Cases Not to be Referred to the CRB:

- Inmates who have been engaged in sexual misconduct of a non-violent nature during confinement.

Documents to be Reviewed:

- The PSR, the Judgement and Commitment Order (J&C), and the Statement of Reasons (SOR) will be the documents most frequently consulted by staff when identifying inmates who need further review for potential certification as a sexually dangerous person.
- Other documents. The central file may also contain information in the FOIA section or other areas which documents inmate sexual conduct during confinement. Examples may include Supervised Release or Parole Violation Reports, or documentation of attempted sexual assault of an inmate, visitor, or staff member. These acts may or may not have resulted in criminal prosecution or a finding by the DHO. In addition, SIS files, the medical file or Psychology Data System records may contain information which describes sexually violent conduct or child molestation not reported elsewhere in the central file. If information other than the PSR, J&C, and SOR is the source of the referral, the relevant document(s) should be scanned into Adobe (.PDF) files and forwarded to the SORC. SENTRY generated paperwork, progress reports, memorandums, or any other documents from the inmate's central file should not be sent unless pertinent to the inmate's sexual history or requested by the CRB.

Transmittal of Cases Needing Review:

- Ordinarily, Case Managers will identify cases requiring further review. Each case identified will be referred to the CRB, via SENTRY as a WA REFER transaction. If the referral is based on behavior described in a document other than the PSR, SOR, or J&C, that document (e.g., sexually violent incident reports) will be scanned into an Adobe (.PDF) file and attached to the e-mail from the unit team to the SORC.

Institution Procedures:

- Each Warden will designate a SORC who is knowledgeable and familiar with case management and unit management duties. The SORC will be the liaison between the institution and CRB staff. Any concerns or questions regarding a case should go through the SORC in order to stream line communication with the CRB.
- Cases are identified by review of an inmate's central file by the appropriate unit team. When qualifying conduct is identified the appropriate SENTRY transactions should be applied on a PP34 (See Walsh Assignments). If the inmate is within 18 months of release then the WA REFER assignment will also be added. This transaction will trigger the CRB's Sex Offender Data System (SODS) and the referral will be collected automatically.
- Institution SORCs will assist case managers in the process of referring cases by monitoring SENTRY rosters and ensuring appropriate Walsh Case Management Assignment (CMA) assignments are entered for all inmates. In cases where a CMA assignment for a newly designated inmate has not been entered, it is the responsibility of the institution staff responsible for overseeing the inmate to enter the appropriate CMA assignment in SENTRY.
- When a new referral is submitted, the CRB initiates the process of obtaining referral documents through the Designation and Sentence Computation Center (DSCC). Occasionally, referral documents are unavailable through DSCC. In such cases field institutions will be notified to submit the requested documents. Case Managers do not have to send the PSI, J&C, and SORs, unless requested, via GroupWise by the CRB staff.
- The CRB's review process should not interfere with the institution's routine release preparation procedures. Staff should ensure release preparation activities and programs are followed according to policy.

- For inmates with an existing designation to a Residential Reentry Center (RRC/halfway house) or those awaiting RRC action, the unit team, working along with the SORC, will ensure the cases are reviewed by the CRB prior to transfer to an RRC/halfway house. Institution staff are responsible if an inmate releases without the appropriate CMA Walsh Assignment.
- Under no circumstances should an inmate be released to a RRC/halfway house without a Walsh Assignment. The SENTRY PP44 screen must show either a WA NOT CER or WA NO HIST Walsh CMA assignment before an inmate is released. Only the CRB has the authority to enter the WA NOT CER CMA assignment. Inmates with a WALSH NO HIST assignment do not need to be reviewed by the CRB prior to release.
- When an inmate approaches his RRC/halfway house date and has been identified by the CRP as needing a pre-certification transfer, the CRB will send an e-mail, via GroupWise to the facility requesting that a pre-certification transfer take place. This GroupWise message will include the proper transfer code, designation site, necessary transfer dates, and appropriate instruction for inmates with current RRC designations. The SENTRY assignment will be changed by the CRB from WA REFER to WA TRANSFR with an indication that the transfer is for pre-certification evaluation (the pre-certification evaluation is to determine if the inmate should be certified as a Sexually Dangerous Person). A transfer for this purpose will be reflected on a PP44 in SENTRY.

Review of Cases For Whom An Immediate Order of Release Has Occurred:

- Institution staff are to contact the CRB as soon as they become aware of an immediate order of release for an inmate requiring review under these procedures.
- At the CRB's request, staff will send an electronic copy of the PSR, J&C, SOR, and any other pertinent information to the CRB GroupWise mailbox (BOP-CPD/Certification Review Panel~) identifying the message with the appropriate priority level (urgent, high-priority).
- During normal duty hours (EST), telephonic contact with the CRB at 202-307-3570 should be made as soon as possible for cases involving immediate release.

- After-hours notification for an immediate release will follow the standard procedure stated above. Telephonic contact with the CRB in these circumstances will be made at 202-598-3177.
- The CRB will review the case and respond to the institution, via e-mail clearing the inmate for release or indicating the need to panel an inmate for possible certification. If a CRP is required the inmate will remain in custody and on the next business day the panel will enter its findings in SENTRY.
- The SORC will copy the Oversight mailbox when routing information to the CRB.

Designation and Sentence Computation Center Procedures (DSCC) :

- DSCC staff will ordinarily enter the relevant Walsh Sentry CMA assignment for all newly designated offenders. In addition, they will refer cases to the Bureau's CRB when an initially designated offender's Projected Release Date (PRD) is 18 months or less.

Central Office CRB Procedures:

- Cases will be reviewed in order of ensuing release or transfer date. Ordinarily, the CRP convenes twice weekly to review high risk cases.
- For each case reviewed, the CRP may:
 - Decide not to certify the inmate. A SENTRY PP44 transaction of WA NOT CERT will reflect this decision.
 - Request a pre-certification evaluation. This may require transfer to a pre-certification evaluation site, unless the inmate is currently housed at one. A SENTRY PP44 transaction of WA TRANSFR including a sub category of WA PRE-CRT will reflect this decision.
 - Certify an inmate as a Sexually Dangerous Person. All such cases are transferred to the Commitment Treatment Program (CTP) at FCC Butner. A SENTRY PP44 transaction of WA CERTIFD will reflect this decision.
- For each possible decision above, the CRB will communicate its decision, via GroupWise to the SORC. In cases where certification will occur, or the CRB seeks a pre-certification evaluation at an appropriate

site, the e-mail to the institution will also provide specific instruction how to proceed with the transfer. In cases not resulting in a certification, the SORC will be notified and the institution should continue normal release procedures.

Sentry Assignments:

- SENTRY assignments are to inform staff of the status of each inmate's review and to assist in the transfer and management of sex offenders.

Walsh Act - CMA Assignments Entered by DSCC

All newly designated inmates will have one of the following assignments applied by the DSCC.

- **WA NO HIST NO WALSH ACT OFFENSE HISTORY**
This assignment will be applied when there is no conduct (i.e., applicable charge or conviction) subject to review under Walsh Act procedures.
- **WA NO CONV WALSH ACT HIST-NO CONVICTION**
This assignment will be applied when there is conduct (e.g., a charge without conviction) subject to review under Walsh Act procedures.
- **WA W CONV WALSH ACT HIST WITH CONVICTION**
This assignment will be applied based on offenses listed in PS 5141.02, Sex Offender Notification and Registration, § 6.
- **WA REFER REFERRED TO CERT REVIEW PANEL**
This assignment will be entered into SENTRY which triggers a referral to the Bureau's Certification Review Branch.

Walsh Act - CMA Assignments Entered by Institutions

When no Walsh Act assignment exists (i.e., cases not initially designated by DSCC), the application of the following CMA assignments will occur in conjunction with the inmate's next regularly scheduled program review, or 18 months prior to his/her projected release date (which ever comes first).

- **WA NO HIST NO WALSH ACT OFFENSE HISTORY**
This assignment will be applied when there is no conduct (i.e., applicable charge or conviction) subject to review under Walsh Act procedures.
- **WA NO CONV WALSH ACT HIST-NO CONVICTION**
This assignment will be applied when there is conduct (e.g., a charge without conviction) subject to review under Walsh Act procedures.
- **WA W CONV WALSH ACT HIST WITH CONVICTION**
This assignment will be applied based on offenses listed in PS 5141.02, Sex Offender Notification and Registration, § 6.

At subsequent inmate program reviews, conduct of a sexually violent nature (e.g., sexual assault) may require replacement of a WA NO HIST assignment with WA NO CONV.

The institution SORC will identify inmates with a WA NO CONV or WA W CONV assignment when they are 18 months to their projected release date, and enter:

- **WA REFER REFERRED TO CERT REVIEW PANEL**
This assignment triggers review by the Bureau's Certification Review Branch.

**Walsh Act - CMA Assignments Entered by the
Bureau's Certification Review Branch**

The Central Office Certification Review Branch will review and apply one of the following assignments for inmates with WA REFER:

- **WA NOT CER WALSH ACT-NOT CERTIFIED**
This assignment is entered when an inmate is not certified as a sexually dangerous person and has been approved for release.
- **WA TRANSFR WALSH ACT-REQUIRES TRANSFER**
This assignment is entered when an inmate is certified and requires transfer to the Commitment Treatment Program (CTP) or when a transfer for further pre-certification evaluation is warranted.
- **WA PRE-CRT WALSH ACT-NEEDS PRECERT EVAL**
This assignment is entered when an inmate is a candidate for certification. A pre-certification evaluation is warranted to assist the Certification Review Panel's (CRP) decision during a final panel meeting.
- **WA CERTIFD WALSH ACT-CIV COMT CERTIFIED**
This assignment is entered upon arrival at the Commitment Treatment Program (CTP) when an inmate is certified as a sexually dangerous person.

Attachment J-21

PAST PERFORMANCE QUESTIONNAIRE

*****SOURCE SELECTION SENSITIVE INFORMATION*****

|

**FEDERAL BUREAU OF PRISONS
PAST PERFORMANCE QUESTIONNAIRE**

RESPONDENT NAME:

RESPONDENT TITLE:

RESPONDENT ADDRESS:

**RESPONDENT PHONE
NUMBER:**

REPENDENT EMAIL:

CONTRACTOR NAME:

CONTRACT NUMBER:

**CONTRACT FACILITY
LOCATION:**

**CONTRACT FACILITY
ADDRESS:**

Please answer the following questions related to the following categories of contractor performance: quality control, business relations, security, personnel, health services, facility maintenance, inmate programs, and institution services. Please rate the contractor for each category based on the following scale:

A = Excellent: Considerably surpassed the minimum requirements
B = Good: Exceeded minimum requirements
C = Fair: Met the minimum requirements
D = Poor: Met less than the minimum requirements
F = Unsatisfactory: Efforts had a negative effect

QUALITY CONTROL

1. Does the contractor have a formal quality control program?
(If yes, please give a basic description of how the program works)

Do you consider the quality control program effective? Why?
(If no, how does the contractor identify and resolve performance problems?)

2. Does the contractor take primary responsibility for quality performance?
3. Is the contractor quick to resolve performance problems when they are identified?
4. Do you consider the contractor to be pro-active or re-active at resolving problems and providing quality performance? Why?
5. How does the contractor react when you identify performance problems?
6. Does the contractor implement measures to prevent problems from re-occurring?
7. Overall, how would you rate the contractor's effectiveness at monitoring the quality of their own performance?
(Please circle one)

A = Excellent
B = Good
C = Fair

D = Poor
F = Unsatisfactory

Additional Comments:

BUSINESS RELATIONS

1. Has the contractor been successful at meeting activation deadlines and schedules?
2. Is there sufficient staff and are they well trained?
3. Was there any additional equipment installed? Were the Operators well trained?
4. What is your opinion of the contractor's activation policies and procedures?
5. Has the contractor been successful at meeting routine performance deadlines and schedules?
6. Please describe the contractor's reports (e.g. complete, concise, well written)
7. Is the contractor meeting performance requirements?
8. Does the contractor commit adequate resources (e.g. personnel, equipment, financial) to accomplish contract requirements in a timely fashion?
9. Is the institution management accessible to:
inmates? institution staff? your representatives?
10. Is institution management responsive to your concerns? Are they responsive to staff and inmate concerns?
11. Is the corporate headquarters staff accessible to: institution staff? your representatives?
12. Overall, how would you rate the contractor's performance at fostering good business relations and providing customer satisfaction?

A = Excellent
B = Good
C = Fair

D = Poor
F = Unsatisfactory

Additional Comments:

SECURITY

1. Does the contractor provide a safe and secure correctional environment for staff and inmates?
2. Does the contractor respond timely, adequately, and appropriately in emergency situations?
3. Is the contractor effective at identifying, controlling, and eliminating contraband from the institution?
4. Are the contractor's security procedures effective, adequate, and appropriate?
5. Overall, how would you rate the contractor's performance at providing a safe and secure correctional environment?

A = Excellent

B = Good

C = Fair

D = Poor

F = Unsatisfactory

Additional Comments:

PERSONNEL

1. Has the contractor maintained contractually agreed upon staffing levels?
2. Is the contractor successful at recruiting and retaining staff?
3. Do staff appear qualified, motivated, and professional in the performance of their daily responsibilities?
4. Does the contractor administer a thorough training program, and does the training promote effectiveness in accomplishing daily staff responsibilities?
5. Are you aware of any labor unrest or disputes between the contractor and its work force?
6. Overall, how would you rate the contractor's past performance at managing and training its workforce to perform the contract?

A = Excellent

D = Poor

B = Good

F = Unsatisfactory

C = Fair

Additional Comments:

HEALTH SERVICES

1. Does the contractor provide on-site health care services to the inmate population?
2. Does the contractor manage routine health care services effectively and efficiently?
3. Does the contractor manage emergency services effectively and efficiently?
4. Is the contractor responsible for providing outside health care to the inmate population?
5. Does the contractor provide proper oversight and management of the outside health care?
6. Does the contractor maintain health care records as required?
7. Overall, how would you rate the contractor's performance at providing health care to the inmate population?

A = Excellent

B = Good

C = Fair

D = Poor

F = Unsatisfactory

Additional Comments:

FACILITY MAINTENANCE

1. Is the contract facility owned by the contractor?
2. Is the contractor responsible for maintaining the equipment and structure of the facility?
3. Does the contractor conduct preventive maintenance of equipment and the facility as required?
4. Does the contractor perform the necessary maintenance and repair of the facility and equipment to facilitate the safety, sanitation, and orderly operation of the institution?
5. Overall, how would you rate the contractor's performance at maintaining the equipment and facility?

A = Excellent
B = Good
C = Fair

D = Poor
F = Unsatisfactory

Additional Comments:

INMATE PROGRAMS

1. Does the contractor provide academic, social, and recreation programs which address inmate needs?
2. Does the contractor adequately utilize community resources to meet the needs of the inmate population?
3. Is the contractor's inmate grievance procedure effective at addressing the concerns and complaints of the inmate population?
4. Does the contractor maintain open lines of communication with the inmate population?
5. Is the contractor required to provide inmate case management? (If yes, are the records and files documented thoroughly, timely, and maintained in an orderly and secure manner)?
6. Is the contractor responsible for providing inmates with work or industrial programs? (If yes, does the contractor effectively manage the programs to provide the inmate population with ample opportunities to participate in meaningful work responsibilities?)
7. Overall, how would you rate the contractor's performance at providing inmate programs at the institution?

A = Excellent
B = Good
C = Fair

D = Poor
F = Unsatisfactory

Additional Comments:

INSTITUTION SERVICES

1. Does the contractor provide meals which are nutritionally balanced, well-planned, prepared, and served consistent with Government health and safety codes and your contract requirements?

2. Does the contractor manage the inmate receiving/discharging institution orientation process? (If yes, is it run effectively and efficiently?)

3. Overall, how would you rate the contractor's performance at providing institution services?

A = Excellent

B = Good

C = Fair

D = Poor

F = Unsatisfactory

Additional Comments:

Final Comments: